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PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part I—Questions and Answers

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Oral Answers to Questions [Cols. 1595—1626].

Written Answers to Questions [Cols. 1626—1636].

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THE

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

PARLIAMENT OF INDIA

Saturday, 6th October, 1951

The House met at Nine of the Clock

[MR. DEPUTY-SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

NEEM OIL FACTORIES

*1606. **Shri Lakshmanan:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that Government propose to set up factories for the production of neem oil in various parts of the country?

(b) What is the estimated initial cost of the Scheme and the recurring annual expenditure?

(c) What is the expected proceeds from the sale of the oil and its products?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The Central Government does not propose to set up any factories for the production of neem oil, but the Planning Commission is considering a scheme under which eleven units, each consisting of seven neem seed pressing centres and one soap factory are to be set up in eleven States.

(b) The scheme is estimated to cost about Rs. 13,39,000 every year by way of recurring expenditure. The capital expenditure for a State unit consisting of one soap factory and seven neem pressing centres is estimated at Rs. 93,000.

(c) A little over the recurring expenditure is expected as proceeds from the sale of the oil and its products.

Shri Lakshmanan: May I know whether there is at present any factory producing neem oil in the country?

Shri K. M. Munshi: I have no information for the moment that there is any such factory.

Shri Lakshmanan: May I know the quantity of neem oil which Government expect that these factories will be able to produce every year?

Shri K. M. Munshi: For the moment, I have got only figures for Madras. According to the survey, 21,270 tons of neem seed are being collected, but there is scope for collecting approximately 73,270 tons. Today Madras produces about 1,680 tons of neem oil, but it can be increased to 5,000 tons.

Shri Lakshmanan: Which are the eleven centres?

Shri K. M. Munshi: The centres have not yet been fixed.

Shri Sivan Pillay: May I know whether Government do not think that the setting up of these factories would kill the existing cottage industry in this respect?

Shri K. M. Munshi: I do not think so. This is in the nature of a cottage industry and is likely to be entrusted to the Cottage Industries Directorate.

Dr. Ram Subhag Singh: May I know what is the total annual production of neem oil in this country?

Shri K. M. Munshi: As I pointed out, I have not the information about the total production. My information is only about Madras. I think Madras is the only State in which you find this production. It is today 1,680 tons per year.

Shri Barman: Is it a fact that the Village Oil Crushing Industry Committee has reported that in view of the fact that neem trees are scattered all over the country and there is difficulty and much cost is involved in collecting neem seeds from all parts of India it is better for Government to subsidise cottage industries?

Shri K. M. Munshi: Subsidising cottage industries is a very large question with which I am not concerned. As regards this, I have point-

ed out that Government propose to incur an expenditure of Rs. 13 lakhs.

Shri M. Naik: May I know whether Government have considered the desirability of releasing some of the edible oils by encouraging the manufacture of soap and other products from neem oil?

Shri K. M. Munshi: I have not got figures here about edible oils. This is only non-edible oil.

Shri Iyyunni: May I know whether neem oil is being exported from India to foreign countries and if so, what is the quantity?

Shri K. M. Munshi: I have not got the information here as to whether any neem oil is being exported.

Shri Sidhva: May I know whether the Oilseeds Committee which controls the production of oilseeds of various kinds has been consulted before these factories are going to be established?

Shri K. M. Munshi: As a matter of fact, it is the Indian Central Oilseeds Committee which requested the State Governments to give every possible encouragement for the collection and crushing of non-edible oilseeds and it is as a result of their proposal that the whole thing has been considered by Government.

Air Services between India and Afghanistan

*1607. **Shri Sidhva:** Will the Minister of **Communications** be pleased to refer to the answer given to my Starred Question No. 287 asked on the 17th August, 1951 and state:

(a) whether any further negotiations have taken place with the Government of Pakistan regarding the Air route between India and Afghanistan; and

(b) if not, what steps Government intend to take to see that an Air service between India and Afghanistan materialises?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, Sir.

(b) The matter is under consideration.

Shri Sidhva: Is it likely to materialise?

Shri Raj Bahadur: We trust it will materialise and materialise soon.

Shri Chattopadhyay: Has Government received any reply from Pakistan regarding allowing our planes to cross through Pakistan to go to Afghanistan?

Shri Raj Bahadur: That matter is still under correspondence, and in case Pakistan does not agree to our request the matter might be taken to the International Civil Aviation Organisation.

Dr. Ram Subhag Singh: In view of the fact that Pakistan is not agreeable to allow us air route through Pakistan to go to Afghanistan, may I know whether the Government of India will take similar steps in regard to allowing air route to Pakistan through India?

Shri Raj Bahadur: This matter depends upon international rights and obligations and every step that Government will take will be in accordance with such rights and obligations.

Wireless Stations

*1608. **Shri Sidhva:** (a) Will the Minister of **Communications** be pleased to state the number of Wireless Stations under the control of the Ministry?

(b) Is there one agency or more for the control of these Wireless Stations?

(c) Is it contemplated to increase the number of the same?

(d) Are these stations also used by public for transmitting messages?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 109.

(b) The Stations have been established to meet the requirements of different Departments (*viz.* Posts and Telegraphs, Overseas Communications Service and Civil Aviation) who operate and control them. The Posts and Telegraphs Department is responsible for general regulation.

(c) The number of Stations will increase with the increasing needs of the Departments.

(d) The stations maintained by the Posts and Telegraphs Department and Overseas Communications Service are for the use of transmitting messages from the public. Those maintained by the Civil Aviation Department are for Departmental purposes only.

Shri Sidhva: May I know whether there are any wireless stations in this country which are regulated by any other Ministry than the Communications Ministry ?

Shri Raj Bahadur: Yes, Sir. By the Defence and by the Ministry of Home Affairs.

Shri Sidhva: May I know the reason why apart from the Defence Ministry,

the Home Ministry has got separate control over wireless stations? Why are there two agencies?

Shri Raj Bahadur: This development took place round about 1946 in view of security and other reasons.

Mr. Deputy-Speaker: He wants to know whether the Home Ministry has got concurrent jurisdiction or has an independent wireless station.

Shri Raj Bahadur: They ask permission from the Communications Ministry for the opening of new stations, which we give and the whole question as to who should have the jurisdiction and overall control is under examination.

Shri Amolakh Chand: May I know, if the wireless stations installed in the various States are run by the Ministry of Communications or by the States themselves?

Shri Raj Bahadur: Such of the stations as are run by the Police or the Home Departments of the respective States are maintained and controlled by them. But they take our permission before they start them.

Shri Sidhva: How many such stations are run by the States and have the Ministry of Communications at any time suggested that it would be advantageous if there is one agency to control all these stations?

Shri Raj Bahadur: I have just now submitted that that point is under examination.

Shri Sivan Pillay: May I know, Sir, whether private wireless transmitting stations are allowed and if so on what conditions?

Shri Raj Bahadur: Private persons are not allowed to open or operate wireless stations without a licence and such licences, if requested for, are issued by the Posts and Telegraphs Department.

Shri Sivan Pillay: Has any such licence been given so far?

Shri Raj Bahadur: I require notice of that question.

Shri Shankaraiya: May I know whether any princes, who were owning wireless stations before integration have been allowed to continue them?

Shri Raj Bahadur: I am not aware of it, Sir. I would require notice for that.

Shri Amolakh Chand: The hon. Deputy Minister stated in reply to part (d) of the question that the stations maintained by the Posts and Telegraphs Department and Overseas Communications Service are for the use of transmitting messages from the public. May I know what are the normal charges and from where these messages are booked at least in Delhi?

Shri Raj Bahadur: With regard to the charges they vary according to the distance. In Delhi we have got two stations one for transmission and one for reception. Messages can be booked at telegraph offices.

Foreign Tourists

*1609. **Shri Sidhva:** (a) Will the Minister of **Transport** be pleased to state what is the total maintenance cost of Tourist Offices in India State-wise per year?

(b) Have any Advisory Committees been appointed in various regions to give facilities to foreign tourists?

(c) If so, when and what is their composition?

(d) Are there any facilities existing at present to take foreign tourists to various centres of interest?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The Government of India have opened Regional Tourist Offices at Bombay, Calcutta, Delhi and Madras. The estimated expenditure for maintaining these offices during the current year is

Bombay— Rs. 51,000.

Calcutta—Rs. 38,000.

Delhi—Rs. 33,000.

Madras—Rs. 24,000.

Total Rs. 146,000.

(b) and (c). A Regional Advisory Committee will start functioning at Delhi shortly. The question of forming similar Committees at Bombay, Calcutta and Madras will be taken up in the light of experience gained in the Delhi Region. The Committee will consist of representatives of the Railways, State Motor Transport Controller, Hotel Controller, principal air companies, travel agents, hotel and local transport interests. In addition it will include three public men, one of whom will be appointed as Chairman.

(d) Yes.

Shri Sidhva: May I know, Sir, what facilities are provided for these tourists from these various important stations to visit places of interest? Are there any bus service on the same lines as exist in European countries?

Shri Santhanam: Sir, our tourist offices give all kinds of information and assistance to tourists. They have to take advantage of the existing hotels, transport agencies, etc.

Shri Sidhva: May I know, Sir, what is the distance from Bombay to Elephanta Caves, which is usually visited by the tourists, and what transport facilities exist there? Is it a fact that they have to walk about half a mile from the jetty to the Caves?

Mr. Deputy-Speaker: An hon. Minister cannot be expected to say offhand what facilities exist in a particular place.

Shri Sidhva: He may be knowing it.

Mr. Deputy-Speaker: Has the hon. Minister got any information?

Shri Santhanam: Presumably the Elephanta Caves is on a solitary island and it may be difficult to maintain special transport facilities.

The Minister of Food and Agriculture (Shri K. M. Munshi): The Elephanta Caves in the Bombay Harbour is easily approachable by launches three times a day. From the jetty up to the Elephanta Caves it is a rocky road going up and you cannot have any transport except for a furlong.

Mr. Deputy-Speaker: Apart from the fact that the hon. Minister for Food may be able to give such details, hon. Ministers cannot be expected to give such minute details on the spur of the moment. There is no such gulf separating hon. Members from Ministers. They can easily write to them and get the information.

Shri Sidhva: The jetty itself is for upper class and military people, not for the public.

Dr. Deshmukh: Were these tourist offices organised, because the private agencies are not functioning properly?

Shri Santhanam: The regional tourist offices are maintained for the purposes which are not covered by private agencies.

Dr. Deshmukh: Are these modelled on any organisations in foreign countries, if so which?

Shri Santhanam: We got information regarding the various agencies in other countries like Switzerland, France, England, etc. and we have tried to adapt our organisation to suit our conditions.

Dr. Deshmukh: When was this office started and what are the results so far achieved?

Shri Santhanam: All this was given in the report of the Transport Ministry placed before the House at the time of the Budget discussions.

Shri Lakshmanan: May I know whether Government have included Travancore-Cochin in the tourist map and whether any facilities are given to authorised agents in that place?

Shri Santhanam: The whole of India is included in the programme. We are in touch with the Travancore-Cochin Government regarding the promotion of tourist traffic in that State.

Cattle Census

"1610. **Shri Thimmappa Gowda:** Will the Minister of **Food and Agriculture** be pleased to refer to his answer to Unstarred Question No. 411 given on the 5th June, 1951 and state:

(a) whether the live-stock census work has since been completed;

(b) if so, whether the results of such census will be tabulated and published in due course; and

(c) the total number of Cattle (bulls and cows) and buffaloes according to this census and the previous two censuses?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Completed almost in all States except Orissa, Rajasthan, Travancore-Cochin and Manipur.

(b) Yes.

(c) Complete information according to the latest census is not yet available. Position according to the previous two censuses taken in 1940 and 1945 is as follows:

	Estimated No. in millions		
	Bovine Cattle	Buffaloes	
1940	137·9	40·1	
1945	136·7	40·7	

Shri Krishnanand Rai: May I know whether it is a fact that milk giving animals in our country are on the decrease and if so what are the reasons and what steps do Government propose to take to make up the deficiency?

Shri K. M. Munshi: I do not think milk giving animals are on the decrease.

Shri Krishnanand Rai: May I know what is the reason for the census not being complete in some of the States?

Shri K. M. Munshi: Because the States have found it difficult to com-

plete it and asked for extension of time.

Shri Thimmappa Gowda: May I know how the partition of the country has affected our cattle wealth?

Shri K. M. Munshi: I would ask for notice of that question.

Shri M. Naik: May I know whether there has been any census in any Parts A and B States?

Shri K. M. Munshi: All the States have completed the cencus except the ones, I have mentioned.

DEVELOPMENT OF MALNAD AREAS

*1611. **Shri Thimmappa Gowda:** (a) Will the Minister of **Food and Agriculture** be pleased to refer to the answers given to my Starred Question No. 1124 on the 20th December, 1950 and also to question No. 3683 on the 1st May, 1951 and state whether the Central Planning Committee for development of Malnad areas have met at any time since they submitted their *interim* Report to Government on the 5th December, 1950?

(b) Have the Committee submitted their final Report?

(c) What steps have Government taken to implement the recommendations made in the *Interim* Report?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No.

(b) and (c). On examining the interim report of the Committee, the Government of India found that the schemes recommended therein involved heavy expenditure and that it would not be possible for the Government of India to assist the State Governments in their implementation. It was accordingly decided that there was no further need for the Committee to proceed with the detailed examination of the schemes and the Committee was wound up in june, 1951. It is open to the State Governments concerned to take up the schemes recommended by the Committee and to finance them out of their own resources.

Shri Thimmappa Gowda: Do the Central Government propose to finance the State Governments in this respect?

Shri K. M. Munshi: As I have pointed out, no State Government is prepared to incur any expenditure and the expenditure involved is so heavy that on account of its present commitments, the Government of India cannot embark on a costly scheme like that.

Shri Thimmappa Gowda: Has not the Mysore Government agreed to pay its share of the expenditure?

Shri K. M. Munshi: I do not know whether the Mysore Government has agreed. But the Central Government is not prepared to contribute towards the expenditure which the Committee has recommended.

Shri Sidhva: What is the total expenditure of the scheme?

Shri K. M. Munshi: According to the Committee's recommendations, the Central Government should give loans to the extent of Rs. 3·19 crores. Further, it is to incur a recurring expenditure of Rs. 64 lakhs a year and a non-recurring expenditure of about Rs. 15 to 25 lakhs. The Rehabilitation Ministry is not keen that any money should be spent on it, because there is no likelihood of any refugees being settled in this area.

Shri Thimmappa Gowda: Is Government aware that plenty of untapped natural resources in Malnad worth crores of rupees are being wasted?

Shri K. M. Munshi: There is no doubt that if sufficient money is spent on it Malnad will become a habitable place and possibly give some foodgrains too. But the question is whether first of all it is possible to get the money that is necessary; secondly, whether the refugees for whom we want the land can be settled there in the first instance. Then of course the States, if they want to embark upon a scheme of developing their own area, they can do so.

Dr. Deshmukh: Would it not be possible for the hon. Minister to obtain the necessary funds from the income-tax disclosures recently made?

Mr. Deputy-Speaker: The hon. Minister, it should be remembered, is Minister for Food and Agriculture. Next question.

FRONTIER MAIL

*1612. **Shri Amolakh Chand:** Will the Minister of **Railways** be pleased to state whether the fastest train of India, the Frontier Mail loses its speed between Mathura and Delhi on its way back from Bombay and if so, what steps have been taken to maintain the average speed thereof?

The Minister of State for Transport and Railways (Shri Santhanam): Yes. The overall speed of the Frontier Mail is slower on the Mathura-Delhi section than on the Mathura-Bombay section.

The Delhi-Mathura section is a single line section but certain portions of the line have recently been doubled. Fast trains, while changing over turn-outs, from double line to single line and *vice versa*, have to slow down for operational reasons. This results in an increase in the overall timings.

After the new line between New Delhi and Mathura has consolidated and fast trains are also allowed to run on it, partial improvement will be secured but certain amount of slowing will continue because passage over turn-outs will not be completely eliminated.

Shri Amolakh Chand: Is it a fact that the time taken to cover the distance of ninety miles between Delhi and Mathura on the train's journey to Bombay is only 2 hours and 45 minutes whereas on its return journey the time taken is 3 hours 15 minutes? That has nothing to do with this single line or double line at all.

Shri **Santhanam:** All these timings depend upon the number of stations, the gradients, the curvature and many other considerations. In one way it may be quicker and in another way it may be slower. All these are technical operational details into which I cannot go at length here.

Shri Deogirikar: May I know whether the Frontier Mail is the fastest train in India?

Mr. Deputy-Speaker: How does it arise?

Shri Deogirikar: It is printed in the question.

Shri Santhanam: I would like to have notice of the question.

Shri Amolakh Chand: May I know whether Government is aware of the fact that this Frontier Mail stops at various stations between Mathura and Delhi on its return journey, where neither any passengers get down nor are any tickets booked for the onward journey, for instance at Faridabad and other stations?

Shri Santhanam: It may have to be stopped because other fast trains have to pass. If the hon. Member will write to me about any particular matter I will find out and let him know.

Mr. Deputy-Speaker: What is the good of going into all these details here?

Shri Amolakh Chand: May I know whether there is a proposal to have a stop at Mahabirji between Bayana and Sawai-Madhopur for this train?

An Hon. Member: It is beyond Mathura.

Mr. Deputy-Speaker: Are there not about hundred stations? How is it possible?

Shri Sidhva: The hon. Minister stated last year that this low speed between Mathura and Delhi was due to the single line and the double line was sanctioned by the House. May I know whether that line has been constructed and, if so, why the delay still takes place?

Shri Santhanam: We have doubled certain sections of the line from Delhi to Mathura. Those sections have to be consolidated. As soon as they are laid down we cannot run fast trains. The whole thing will go to pieces. After they have been consolidated the speed will be suitably increased.

Dr. Deshmukh: Is it a fact that there is more congestion on this line because more people come to Delhi than go back?

Mr. Deputy-Speaker: The hon. Member is giving information or making a suggestion.

Kharif Crops

*1613. **Shri Jnani Ram:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the natural calamities which have affected the present *Kharif* (including paddy) crop in different States;

(b) the prospect in each State;

(c) the estimated loss up till September, 1951; and

(d) the estimated produce of the year 1951-52?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Excessive rains, floods, delayed out-break of monsoon, drought and attack by locusts and pests.

(b) to (d). It is too early to make an estimate.

Shri Jnani Ram: May I know when the Government will be in a position to know the deficit in the country of paddy and other crops?

Shri K. M. Munshi: It will easily take about two months or so, because in certain affected parts rain is still expected though the crop is withering very fast, and it is impossible to get any figures which could be considered

even remotely reliable until after about two months.

Shri Jnani Ram: May I know the States which have been very badly affected?

Shri K. M. Munshi: Parts of the States badly affected are Bombay, Rajasthan, Madhyabharat—not the whole State but parts of it—and then Ajmer-Merwara and some parts of Punjab.

Shri Jnani Ram: May I know whether most part of Chhota-Nagpur has been badly affected in Bihar State?

Shri K. M. Munshi: I have no information on this point.

Khwaja Inait Ullah: May I know the position of Bhopal State?

Shri K. M. Munshi: I have received so far some information here, but I have not been able to verify. An officer has been despatched there to find out the exact condition.

Shri T. N. Singh: Is it a fact that similar failure of rains occurred on a wide-spread scale in the previous year also and that certain steps were to be taken by Government to meet such recurring calamities? May I know what special steps have been taken this year to fight this?

Shri K. M. Munshi: The difficulties have arisen largely on account of drought. No amount of precaution that any human agency can take is going to affect rains or to control the time when it should fall or the quantity in which it should fall.

The Prime Minister (Shri Jawaharlal Nehru): May I correct my hon. colleague? Human ingenuity can control rain.

Shri K. M. Munshi: Not in India.

Shri Jawaharlal Nehru: I beg his pardon. There are limits of course to the control that can be exercised. But as a matter of fact I have asked the States, each individual Chief Minister, to consider this question. So far as I know, the present state is this that where there are clouds it is fairly easy and fairly cheap to get the rain down from the cloud. You cannot produce the clouds—you can as a matter of fact scientifically consider it—but that is a very expensive operation. But where clouds are present it is possible to induce them to come down in the shape of rain.

Shri Chattopadhyay: In view of the recurring drought has any experiment been carried on in India about creating artificial rain anywhere?

Shri K. M. Munshi: Well, I do not think so.

Mr. Deputy-Speaker: I remember on a previous occasion a question was put and it was said that the expenditure of bringing down the clouds is out of all proportion to the benefits likely to be got.

Shri Jawaharlal Nehru: That is not the latest technique, Sir. To create artificial rain is very difficult and very expensive. I am not talking about artificial rain, but inducing real rain to come down, the rain being somewhere in the clouds. It just requires a little kick and it is done by spraying some kind of ice powder through an aeroplane.

Mr. Deputy-Speaker: Is it necessary to pursue this? I think we are going away from *kharif* crops to artificial rains.

Shrimati Ammu Swaminadhan: Speaking about artificial rain, may I know if it is not a fact that when they did try to induce rains to come down from the clouds, the rain came down at some other place—where it was not wanted?

Mr. Deputy-Speaker: Anyhow rain is rain wherever it falls

Khwaja Inait Ullah *rose*—

Mr. Deputy-Speaker: We are going away from one point to another. Next question.

SCHEDULED AND NON-SCHEDULED SERVICES

***1614. Shri Jnani Ram:** Will the Minister of **Communications** be pleased to state:

(a) whether any tentative plans have been prepared to conserve aviation petrol by representatives of Indian Air Transport Services; and

(b) the *routes*, non-scheduled and scheduled, in which frequency of services is to be reduced?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) I lay on the Table a statement showing the reduction proposed in the frequency of scheduled services. [*See* Appendix X, annexure No. 1].

The plan does not relate to non-scheduled services. As regards these, petrol is allowed to non-scheduled operators up to 25 per cent. of their uplifts in June 1951.

Shri Jnani Ram: May I know if these Airway operators have made this voluntary reduction?

Shri Raj Bahadur: As a matter of fact, so far as the international services are concerned, when we put this question to them, they agreed to a 33⅓ per cent. cut voluntarily.

Shri Jnani Ram: May I know what is the quantity of aviation petrol which will be saved by this reduction?

Shri Raj Bahadur: I cannot exactly give the quantity without notice.

Shri M. Naik: May I know whether it has come to the notice of Government that the International Aviation Petrol distribution organization is allocating more petrol to different countries, and if so whether India is getting a further quota for aviation petrol?

Shri Raj Bahadur: I think that question should be better asked of the Minister of Works, Production and Supply.

HINDUSTAN AIRCRAFT FACTORY, BANGALORE

*1616. **Dr. Ram Subhag Singh:** Will the Minister of **Railways** be pleased to state:

(a) the numbers of Model 404 and Model 407 third-class Railway Coaches, so far manufactured by the Hindustan Aircraft Factory, Bangalore; and

(b) for how many more coaches of these designs orders have been placed with this company?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Model 404—Order for 100 completed.

Model 407—76 out of order for 150 manufactured so far

(b) An order has been placed for another 150 class III coaches similar to Model 407.

Dr. Ram Subhag Singh: May I know what percentage of our total requirements of third class coaches do the coaches manufactured at the Hindustan Aircraft Factory constitute?

Shri Santhanam: We may put our requirements at about 1,000 coaches and the factory produces about 150.

Dr. Ram Subhag Singh: May I know for how many third class coaches the Government have placed an order with foreign firms?

Shri Santhanam: Normally all our coaches are being manufactured in our repair workshops. It is only this year that we are proposing to place certain orders for coaches abroad and the Chairman of the Railway Board was sent abroad for that purpose. He has just returned and I have not had time to talk to him and find out how many coaches have been ordered.

Dr. Ram Subhag Singh: May I know if the Government is self-sufficient in the manufacture of these third class coaches?

Shri Santhanam: Yes, Sir. I have already said that we are mostly self-sufficient and we are putting up a coach building factory at Perambur to make up all the deficits and as soon as that factory comes into operation, we shall be more than self-sufficient.

Shri Shankaraiya: May I know whether it has come to the notice of the Government that these coaches are very uncomfortable during summer season in spite of the provision of fans and whether any steps have been taken to see that suitable arrangements are being made to avoid this?

Shri Santhanam: As far as my information goes, these coaches are more comfortable than other coaches. But absolute comfort can be obtained only in the air conditioned coaches.

Dr. Ram Subhag Singh: May I know what is the cost involved in the manufacture of one coach here by the Hindustan Aircraft Factory and importing a coach from a foreign country?

Shri Santhanam: So far as the coaches manufactured in India are concerned, they are much cheaper than the imported ones.

KASHMIR GOVERNMENT'S FIVE-YEAR PLAN

*1617. **Dr. Ram Subhag Singh:** (a) Will the Minister of **States** be pleased to state whether the Government of India have allotted any money to the Government of Kashmir to implement the State's Five-year plan?

(b) If so, what is the total amount of money allotted to that State?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The Government of India have not allotted any funds to implement the five year plan of the Jammu and Kashmir State by way of outright grant.

(b) Does not arise.

Dr. Ram Subhag Singh: May I know whether the Government of Kashmir

had approached the Government of India for allotting some money for working out the Kashmir Five Year Plan?

Shri Santhanam: Yes, Sir. They have submitted a plan and asked for something like Rs. 276 lakhs, but the Government of India have not agreed to give any grant, but they would give loans in the light of each project wherever they consider suitable.

Dr. Ram Subhag Singh: May I know whether the loan will be granted?

Shri Santhanam: Each project will be considered on its merits and if it deserves assistance the Government of India will consider what loan may be given for that purpose.

Dr. Ram Subhag Singh: May I know whether the Kashmir Government have submitted to the Government of India a complete scheme of the projects which they are going to undertake?

Shri Santhanam: That is exactly what I have said. They are self-sufficient.

TELEPHONE EXPANSION SCHEME

*1618. **Dr. Ram Subhag Singh:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that a Telephone Expansion Scheme has been prepared for Delhi;

(b) if so, whether the setting up of automatic exchanges is envisaged in this scheme;

(c) how many new telephone connections are proposed to be given under this scheme; and

(d) the expenditure involved in working out this scheme?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Yes. It is proposed to instal three new automatic exchanges with a total equipped capacity of 7,500 lines, out of which 2,000 lines would be in replacement of the Old Delhi automatic exchange and 1,000 lines in replacement of existing manual exchanges.

(c) 4,500.

(d) Non-recurring—Rs. 1,66,25,000.

Recurring—Rs. 18,82,000.

Dr. Ram Subhag Singh: May I know how many auto exchanges are at present in Delhi?

Shri Raj Bahadur: Auto exchanges are the Connaught Place Exchange and the Lothian Auto Exchange.

Dr. Ram Subhag Singh: May I know the number of telephone connections that exist in Delhi at present as also direct lines?

Shri Raj Bahadur: I can give that, Sir. Connaught Place 7,000 lines capacity and working connections 6,300; Lothian Exchange equipped for 2,000 lines and working connections 1,860. Lothian Manual 300 lines capacity and 150 working connections; Old Secretariat Manual Exchange 100 lines capacity out of which 44 are working; Avenue 969 lines out of which 440 lines are working; Shahjahan Road 100 lines capacity of which 30 are working; Delhi Lines 500 lines capacity of which 190 lines are working.

Shri M. Naik: May I know whether the new townships around Delhi have been included in the expansion scheme?

Shri Raj Bahadur: I would like to know which of the townships is the hon. Member referring to?

Mr. Deputy-Speaker: Rajendra Nagar, Patel Nagar.

Shri Raj Bahadur: Of course, they are.

Shri Sidhva: May I know when the expansion schemes will be completed to which the hon. Minister referred?

Shri Raj Bahadur: We have different programmes and date limits. The Tis Hazari scheme is expected to be completed by the end of next year.

Dr. Deshmukh: May I know what is the calculated income as against this recurring expenditure of Rs. 18,82,000?

Shri Raj Bahadur: The net income would be about Rs. 9·25 lakhs and the anticipated gross income would be Rs. 25·78 lakhs.

Shri Chattopadhyay: May I know whether under the expansion scheme telephones will be given under 'own your own telephone' or not?

Shri Raj Bahadur: If we are able to complete all this programme, we can give connections freely also.

LOCOMOTIVES AND COACHES (PURCHASE)

*1619. **Shri Krishnanand Rai:** Will the Minister of **Railways** be pleased to state:

(a) whether any high official of the Indian Railways has gone to foreign country for purchasing Locomotives and Coaches;

(b) if so, the number of locomotives and engines, Government contemplate to purchase during the current financial year; and

(c) what ratio of these purchases is going to be meant for broad and small gauge Railways, respectively?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) About 74-broad.

(c) The ration is about 4 Broad Gauge to 3 Metre and Narrow Gauges.

Shri Krishnanand Rai: May I know whether the official has been sent to purchase any specific or new type of locomotives or just to make ordinary purchases to make up the deficiency?

Shri Santhanam: Not for any new type but for scrutinising the tenders and trying to get the locomotives at the cheapest rate.

Shri Sidhva: May I know how the prices of new locomotives compare with those which we got recently?

Shri Santhanam: Does it refer to 1920 or 1939?

Shri Sidhva: 1949 and 1950?

Shri Santhanam: I would like to have notice of a specific question, for that.

Shri Krishnanand Rai: May I know whether Government have got any estimate of the actual shortages in locomotives in the Indian Railways?

Shri Santhanam: Yes.

Shri Krishnanand Rai: What is the number?

Mr. Deputy-Speaker: That has been repeatedly answered.

Shri T. N. Singh: Is it not a fact that at present whatever is in the Railway Stores is not known to the officials concerned and they have no idea of how many things are there which are usable and which are not usable?

Mr. Deputy-Speaker: This question relates to locomotives and not stores.

Shri Santhanam: No locomotives can be hidden. But, there are thousands and thousands of items of stores. Some of them are out of date. A few of them might have remained undetected. But, I do not think this question has any relation to stores.

Shri T. N. Singh: Is it not a fact that this officer has also been entrusted with the purchase of spare parts for Engines and locomotives?

Shri Santhanam: No, Sir.

Shri Amolakh Chand: May I know whether any mission went round the world in search of locomotives and coaches, and if so, how many persons did it consist of and what amount was spent on them?

Shri Santhanam: It did not go all over the world. It was only a two-man mission. It visited certain centres in Europe for scrutinising the tenders which had been called in advance, because, if our officers were on the spot, they could bargain and get better terms, and the expenditure on travelling will be only a small fraction of the total savings.

Shri Sidhva: What is the price of each locomotive for which a contract has been placed?

Shri Santhanam: Prices vary from time to time. I cannot give the price offhand.

Mr. Deputy-Speaker: Out of the 74 which the hon. Minister has been able to give.

Shri Santhanam: This consists of broad-gauge, metre-gauge and narrow gauge locomotives. There will be different prices for each of these locomotives. If the hon. Member wants any particular details, I will supply if he writes to me.

Shri B. K. Das: Arising out of part (a) of the question, will there be purchases of coaches also? There is a question about coaches; no reply has been given.

Shri Santhanam: I have already said that it was our intention to purchase some coaches this year.

Soil Erosion

*1620. **Shri Krishnanand Rai:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether there is any Government organisation consisting of experts that studies and surveys the cases of soil erosion in India;

(b) whether Government have got any estimate of the area of cultivable land, that becomes useless every year, due to soil erosion; and

(c) whether Government have got any scheme to save land from this malady and if so, what is that?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) There is no Soil Conservation Department in the Government of India. A Soil Conservation Officer attached to the

Central Tractor Organisation renders technical advice and assistance to the State Governments whenever called upon to do so. The Inspector General of Forests attatched to this Ministry also renders advice regarding the afforestation work pertaining to conservation in the forest and desert areas of the country.

(b) The area of cultivable land that becomes useless every year due to soil erosion has not been ascertained.

(c) Yes. Some State Governments have schemes for soil erosion work. In Bombay soil conservation practices have been effected on 7 lakh acres. In the Punjab, the Provincial Forest Department have carried out reclamation of lands affected by *Chos* (Sand torrents) in the Sivalik foot hills. The U.P. Forest Department have taken steps to control land slips in the Kumaon hills and reclamation of ravines by afforestation and controlling of grazing. Field embankment work has been done in the ceded districts of Madras and the Forest Department of the State is tackling the problem of wind erosion in the coastal areas by afforestation. Attention is also being paid to prevent erosion of steep slopes in the Nilgiris where potato cultivation has spread considerably.

Shri Krishnanand Rai: May I know whether soil erosion is localised in our country in some specific regions or is it throughout the whole country?

Shri K. M. Munshi: So far as the States have undertaken the work, the work is being done. So far as the Central Government is concerned, it is considering the question of afforestation on an all-India scale.

Shri M. V. Rama Rao: May I know whether Government are aware in how many States hill slopes are being granted for cultivation ostensibly to give a fillip to the Grow More Food campaign, and thereby soil erosion is being increased in the country?

Shri K. M. Munshi: I do not know of any particular State except Nilgiris. There, during the last war, the hill slopes were deforested and given for potato growing.

Shri M. V. Rama Rao: May I know whether the Government of India contemplate collecting any information about the extent of land which is being eroded every year? What steps do Government propose to take to put into operation any scheme for controlling soil erosion?

Mr. Deputy-Speaker: All over India?

Shri M. V. Rama Rao: All over India.

Shri K. M. Munshi: All over India, I think erosion is estimated at 123 million acres. But, this is partly eroded. It does not include fully eroded. There are no specific figures for partly eroded, slightly eroded and fully eroded areas.

Shri T. N. Singh: Is it a fact that to some of the new lands that are brought under cultivation especially in the Tarai and Bhabhar in the U.P., there is danger of soil erosion? What steps are Government taking to combat that?

Shri K. M. Munshi: I have no information. I visited the Tarai recently. I have heard no complaint that any portion is being eroded because it is being reclaimed now.

Shri Ramalingam Chettiar: What steps are being taken in the Nilgiris with reference to the difficulty mentioned by the hon. Minister?

Shri K. M. Munshi: Both the Centre and the Madras Government are aware of the danger of what is happening to Nilgiris. I understand a scheme is under preparation by the Madras Government for the purpose of afforesting a part of the Nilgiris.

Shri Jangde: Is it a fact that soil erosion is most prevalent in Madhya Bharat and Southern India than in Northern India?

Shri K. M. Munshi: I do not think that any part of the country could claim the privilege of being wholly eroded.

Dr. Deshmukh: May I know how many of the officers who were sent to America to study soil erosion are doing the work of preventing soil erosion?

Shri K. M. Munshi: I think about 4 or 5 Soil Conservation officers were sent for training. When they returned, in the first instance, they undertook an extensive survey of the whole country. That is there. But, this was done under the old post-war reconstruction scheme when everybody expected that we would have so much money that we could put up a Soil Conservation Department in the Government of India. That has not been found possible.

Dr. Deshmukh: Are they all engaged in preventing soil erosion or are they doing other work not related in any way to soil erosion work?

Shri K. M. Munshi: I will require notice of that. I will have to find out

who those five gentlemen were, and where they are working at present.

Shri Jnani Ram: Is it a fact that considerable areas in the Centrally Administered areas of Delhi are being made useless due to soil erosion? What steps are Government taking to prevent this?

Shri K. M. Munshi: I have no specific information on that point.

बी० ऐन० रेलवे के अधीन ऊसर भूमि

*१६२१. **श्री जांगड़े:** रेल मन्त्री यह बतलाने की कृपा करेंगे कि वर्ष १९४९, १९५० तथा १९५१ में बी० ऐन० रेलवे के अधीन तथा रेल की पटरियों के दोनों ओर पड़ी हुई कितनी ऊसर भूमि "अधिक अन्न उपजाओ" आन्दोलन अथवा अन्य कृषि कार्यों के लिये ठेके अथवा पट्टे पर दी गई तथा इन ठेकों अथवा पट्टों से सरकार को कितनी आय हुई ?

Fallow Land belonging to B. N. Railway

[*1621. **Shri Jangde:** Will the Minister of **Railways** be pleased to state the amount of fallow land belonging to the B.N. Railway and that lying on both sides of the rails which was given on contract or lease for the 'Grow More Food' Campaign or for other agricultural purposes during the years 1949, 1950 and 1951, and what is the income obtained by Government from such contracts or leases?]

The Minister of State for Transport and Railways (Shri Santhanam): The area of land on the Bengal Nagpur Railway made over during the years 1949, 1950 and 1951 to State Governments in addition to areas already handed over for lease to cultivators in connection with "Grow More Food Campaign" is 31,785 and 227 acres respectively. No income on this land has so far been received by the Railway from the State Governments, as the collections made by them are still under verification.

Shri Jangde: Are Government giving any subsidies to these lessees or contractors?

Shri Santhanam: The Railways have placed the lands at the disposal of the State Governments to be leased to cultivators. The question of subsidy does not arise at all.

Shri Jangde: What is the yield per acre or what is the total yield out of the acreage given on contract or lease?

Shri Santhanam: I have no idea.

Shri S. C. Samanta: May I know whether it is a fact that almost all the land lying in the B.N. Railway between Kharagpur and Nagpur has not been given over to the West Bengal Government or the Madhya Pradesh Government? If so, may I know the reasons therefor?

Shri Santhanam: I have got only a statement of the total acreage handed over to the various Governments. We cannot hand over all the land, because, on both sides of the Railway lines, they have to keep certain portions intact so that there will be no trespass. We hand over only such land as is not necessary for our use and cultivation of which will not interrupt Railway operations.

ऐक्सप्रेस और डाक गाड़ियां

*१६२२. **श्री जांगड़े:** रेल मन्त्री यह बतलाने की कृपा करेंगे कि विभिन्न रेलों पर विशेषत: बंगाल-नागपुर रेलवे तथा जी० आई० पी० रेलवे पर यात्रियों को सुविधा देने तथा गाड़ियों में भीड़ कम करने के उद्देश्य से पहले से चल रही गाड़ियों के अतिरिक्त वर्ष १९५० तथा १९५१ में कितनी ऐक्सप्रेस तथा डाक गाड़ियां और चलाई गई अथवा चलाई जाने वाली हैं और कहां से कहां तक ?

Express and Mail Trains

[*1622. **Shri Jangde:** Will the Minister of **Railways** be pleased to state how many Express and Mail trains were started or are to be started in 1950 and 1951 in addition to those which were or are already being run, with a view to providing facilities to passengers and reducing the rush on different Railways, especially the Bengal Nagpur Railway and G.I.P. Railway and what are their starting and destination points?]

The Minister of State for Transport and Railways (Shri Santhanam): A statement giving brief particulars of mail and express train services introduced during the year 1950 and so far during 1951, and those proposed to be introduced in the remaining period of the current year, is placed on the Table of the House. [*See* Appendix X, annexure No. 2].

The total number of such train services each way introduced is as follows:

During 1950—7 daily and 2 weekly.

During 1951 (up to 1st October, 1951)—6 daily, 1 weekly and 1 tri-weekly.

Under examination—3 daily, 1 weekly and 1 tri-weekly.

Shri Jangde: It is found from the Statement given by the hon. Minister that these weekly Janata Expresses are not patronised by the people. That being so, may I know whether the Government are proposing to introduce daily Janata Expresses on these lines?

Shri Santhanam: The other day I replied to a similar question. It is not a fact that weekly trains are not patronised by the people. As a matter of fact the one between Madras and Bombay is very well patronised. But the one between Bombay and Delhi by the G.I.P. was not patronised very much because of its longer route and so it was abolished and we have introduced a daily Janata Express between Delhi and Bombay.

Shri Jangde: Is there any proposal to introduce a Janata Express between Calcutta and Bombay *via* Nagpur?

Shri Santhanam: That is under consideration.

चावल की खेती के सम्बन्ध में प्रयोग

*१६२३ **श्री जांगड़े :** खाद्य तथा कृषि मन्त्री यह बतलाने की कृपा करेंगे कि :

(क) दिल्ली राज्य में चावल की खेती के सम्बन्ध में प्रयोग कितने एकड़ भूमि में किये जा रहे हैं ; तथा

(ख) दिल्ली के अतिरिक्त किन अन्य राज्यों में इसी प्रकार के प्रयोग किये जा रहे हैं ?

Experiments *re*: Cultivation of Rice

[*1623. **Shri Jangde:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) how many acres of land are covered by the experiments regarding the cultivation of rice that are being conducted in the Delhi State; and

(b) in what States other than Delhi, are similar experiments being conducted?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) At present five small demonstration plots only under two improved new Pusa types of rice have been laid out in two villages, Budehra and Nangloi Jatan in Delhi State.

(b) Schemes on rice research have been sanctioned by the Indian Council of Agricultural Research and are in operation in the States of Madras, Bombay, Hyderabad, Kashmir, Punjab, West Bengal and Coorg.

श्री जांगड़े : क्या माननीय खाद्य तथा कृषि मन्त्री यह बतलाने की कृपा करेंगे कि उन स्थानों में जहां पर चावल अभी तक पैदा नहीं किया गया है, चावल यदि पैदा किया गया, तो हर ऐकड़ में चावल पैदा करने का खर्चा अधिक होगा ?

[**Shri Jangde:** Will the Minister of **Food and Agriculture** be pleased to state whether in the case of rice being grown on lands not previously used for rice-growing, the cost of production per acre is likely to be greater?]

Shri K. M. Munshi: The figures are not yet available; but perhaps it would be so.

श्री जांगड़े : क्या माननीय मन्त्री यह बतलायेंगे कि इस वर्ष बहुत से स्थानों में जहां पर पानी की कमी है, वहां पर चावल की खेती करने के जो प्रयोग किये जा रहे हैं, उन के असफल होने की सम्भावना है ?

[**Shri Jangde:** Will the hon. Minister be pleased to state if there is any possibility of the failure of the rice-growing experiments being carried out this year in the various places where there is scarcity of water?]

Shri K. M. Munshi: I don't think it is likely to prove fruitless. Some of these experiments are sure to give results which will be useful to the country.

Shri B. K. Das: May I know whether these experiments are being carried on by the I.C.A.R.? or by any other organisation?

Shri K. M. Munshi: No, they are carried on by different institutions. The I.C.A.R. only gives grants for carrying out the research.

Shri R. K. Das: How much is given as grant?

Shri K. M. Munshi: Sir, I require notice.

DECCAN AIRWAYS LTD. (PURCHASE OF SHARES)

*1624. **Shri A. C. Guha:** Will the Minister of **Communications** be pleased to state:

(a) whether the Government of India have purchased or intend to purchase the shares of the Hyderabad Government in the Deccan Airways Ltd.;

(b) if so, (i) the number of shares and (ii) the value of the shares;

(c) whether Government have given or intend to give any other amount to that Airways;

(d) if so, the amount and the account to which that has been or is intended to be given; and

(e) the share of Government in the management of the Airways?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Government intends to purchase the shares.

(b) (i) 44,149.

(ii) The face value is Rs. 37,84,200 (Government of India currency).

(c) and (d). The matter is under consideration.

(e) The intention is to secure amendment of the Company's Articles of Association so that the Government would be represented on the Board of Directors in a manner consistent with its position as the holder of 78 per cent. of the shares, which will be the case after the shares of Hyderabad Government are purchased.

Shri A. C. Guha: The hon. Minister has given the face value of these shares. But at what price will the Government take up these shares?

Shri Raj Bahadur: That is a matter still under consideration. It is, however, understood that the price will be a little over 40 per cent. of their face value.

Shri A. C. Guha: May I know whether this company was running at a loss or making a profit before this?

Shri Raj Bahadur: Sir, I want notice for that.

Shri A. C. Guha: How do Government intend to have control over this concern? Will it be a fully government-owned concern or will it be run in partnership with some other persons?

Shri Raj Bahadur: It will be run in accordance with the principles incorporated in the Indian Companies Act.

Shri A. C. Guha: Sir, that is not a reply to my question. My question is, what will be the control that the Government will have over this concern? Will it be fully controlled by the Government or will Government run it in partnership with some other persons?

Shri Raj Bahadur: It will be consistent with Government's position as a result of its holding 78 per cent. of the shares; and that means that other shareholders also will be there.

Shri A. C. Guha: What are the routes on which this company is operating?

Shri Raj Bahadur: As the hon. Member knows, night services are run by the Deccan Airways between Bombay-Calcutta and Delhi-Madras. And they have got day services also. But for details of the routes, I require notice.

Shri A. H. S. Ali: May I know, Sir, whether Government intend to purchase the private holdings of people who hold shares of this company?

Shri Raj Bahadur: Sir, I have not yet given thought to that matter.

Shri Chattopadhyay: What is the total mileage covered by this Airway?

Shri Raj Bahadur: I would require notice, Sir.

Shri A. H. S. Ali: May I know whether the night airway service to be started by this Company touches Hyderabad or not? It is not doing so now.

Shri Raj Bahadur: The night service does not touch Hyderabad.

Shri Jaipal Singh: Some time back something like an assurance was given by an hon. Minister that Government would completely nationalise the Deccan Airways. May I know at what stage is that promise now?

Shri Raj Bahadur: We are yet in the process of taking over the shares owned by the Hyderabad Government; the other step will follow only after this.

HILL TRIBES OF TRIPURA AND MANIPUR

*1625. **Shri A. C. Guha:** Will the Minister of **States** be pleased to state:

(a) whether Government have taken any steps during the last four years for the amelioration of the so-

cial, economic and educational conditions of the hill tribes of Tripura and Manipur;

(b) if so, what are they;

(c) whether any steps have been taken to improve the communications of those areas and if so, how many Post Offices have been opened and what mileage of roads has been constructed in those hill regions; and

(d) whether any hospital or dispensary has been started for those people?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (d). Information is being collected and will be laid on the Table of the House as soon as possible.

Shri A. C. Guha: With regard to part (c) may I know whether there has been any road construction in those areas?

Shri Santhanam: That is also one of the matters on which information is being gathered

Shri Rathnaswamy: Is it not a fact that due to the economic and educational backwardness of the hill-tribes in Manipur and Tripura, anti-social elements find very good response from those people?

Shri Santhanam: This information was given to the House in reply to a question, only a few days ago.

Shri Rathnaswamy: What is the total amount spent by the Government of India for the economic and educational upliftment of these people during the last four years?

Shri Santhanam: This information is being collected.

Shri A. C. Guha: Sir, are we to understand that the achievements of the Government in this respect are not so appreciable as to be appreciated by the Central Government here which is in direct charge of these areas?

Shri Santhanam: The expenditure is incurred by several Departments.

Shri A. C. Guha: I am not asking about the expenditure, but about the achievements of Government in the direction of roads, educational facilities, hospitals etc.

Shri Santhanam: So far as roads are concerned, in my reply I gave information regarding the length of road, the expenditure incurred etc. a few days ago. But for a comprehensive statement we require information from all the different Departments.

Mr. Deputy-Speaker: It includes all kinds of ameliorative measures.

EASTERN SHIPPING CORPORATION

*1626. **Dr. Deshmukh:** Will the Minister of **Transport** be pleased to state what capital has been collected for the Eastern Shipping Corporation and what tonnage of shipping do they own?

The Minister of State for Transport and Railways (Shri Santhanam): The Eastern Shipping Corporation was registered in March 1950 with an authorised capital of Rs. 10 crores and an initial issued capital of Rs. 2 crores. This initial capital is now fully paid up.

The Corporation owns at present two vessels with a gross tonnage of 14,433.

Dr. Deshmukh: What efforts are being made to increase the tonnage of this Corporation and whether any orders are placed for obtaining more tonnage?

Shri Santhanam: Yes, steps have been taken to increase the tonnage and the Managing Agents—the Scindias—have been directed to place orders as early as possible.

DELHI LAND DEVELOPMENT SCHEME

*1627. **Dr. Deshmukh:** (a) Will the Minister of **Food and Agriculture** be pleased to state the date on which the Delhi Land Development Scheme came into operation?

(b) What has been the recurring and non-recurring expenditure on the same?

(c) What is the total cultivated area in the State of Delhi?

(d) What is the number of officers appointed, and what are their scales of pay?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Tractor Cultivation and Soil Conservation Schemes came into operation on the 1st June, 1950.

(b) Position during 1950-51 was as follows:

	Tractor Cultivation Scheme	Soil Conservation Scheme
Recurring expenditure	Rs. 82,800	Rs. 10,091
Non-recurring expenditure	2,16,768	4,295

(c) 2·36 lakh acres.

(d) One Engineer, under the Tractor Cultivation Scheme, in the scale of Rs. 275—800.

Short Notice Question and Answer

IMPORT OF SEED POTATOES

Dr. Parmar: (a) Will the Minister of **Food and Agriculture** be pleased to state whether the Government of India have recently permitted the import of seed potatoes in big quantities from Burma and Italy?

(b) Is it a fact that Himachal Pradesh grows good quality seed potatoes which are supplied to other parts of the country, particularly Bombay, Calcutta and Mysore?

(c) Is it a fact that there are now no purchasers of seed potatoes in Himachal Pradesh due to the import?

(d) Are seed potatoes from Burma and/or Italy disease-free and properly certified to that effect?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Import of seed potatoes is allowed from soft currency countries only, subject to a monetary ceiling. The choice of the source of imports lies with the importers themselves although the bulk of imports is from Burma.

(b) Yes.

(c) No.

(d) Under the provisions of D.I.P. Act seed potatoes are required to be certified as disease-free by all exporting countries except Burma; because no new pests and diseases of potatoes exist in Burma, which are unknown in India.

Shri Sidhva: What is the total acreage under potatoes in India?

Shri K. M. Munshi: I require notice.

Shri Sidhva: The Minister stated that a large quantity was imported from Burma. What is the quantity imported from Burma and Italy?

Shri K. M. Munshi: The ceiling that was fixed was 40 lakhs. We have no figures now, because importers are still placing orders. But 30 lakhs have been reserved for Burma potatoes and 10 lakhs is for the rest. The total quantity would be in the neighbourhood of 2 lakh maunds.

Shri Sidhva: How do the prices of imported seed potatoes compare at the port of Bombay with the prices of Himachal Pradesh potatoes?

Shri K. M. Munshi: I will have to make enquiries.

Dr. Parmar: Is it a fact that a large seed potato development farm has been started in Himachal Pradesh to distribute and encourage disease-free seed potatoes?

Shri K. M. Munshi: It is a fact that above five lakh maunds of seed potatoes are exported from Himachal Pradesh and large quantities are taken by the Governments of Bombay, Madras and Mysore. I have no specific information as regards any seed farms.

Dr. Parmar: Have the Government estimated the loss which the Himachal Pradesh potato grower will incur due to the imports?

Shri K. M. Munshi: I do not think that they are incurring any loss at all in that sense by reason of the imports, because the demand is enough to cover the arrivals from foreign countries as well the output from Himachal Pradesh.

Shri Jhunjhunwala: What is the annual output of seed potatoes in Himachal Pradesh and how much of it is consumed and how much remains unconsumed?

Shri K. M. Munshi: As I said Himachal Pradesh grows about 5 lakh maunds. The difficulty about Himachal Pradesh is that there the merchants mix up the potatoes with inferior quality, with the result that the growers in different States do not like that quality which is exported from there. That is the main problem with Himachal Pradesh and quite a large quantity is being exported to different States.

Dr. Parmar: Is it a fact that Himachal Pradesh potatoes are chiefly exported through cooperatives, which are under the cooperative department of Himachal Pradesh Government?

Shri K. M. Munshi: It is left to the importers. The Governments are asked to inform their importers to get it from Himachal Pradesh .....

Dr. Parmar: My question was whether the bulk of these exports of seed potatoes from Himachal Pradesh are exported to the rest of the country through cooperatives, which are under the control of the Himachal Pradesh Government?

Shri K. M. Munshi: I have no knowledge of it.

Shri Jnani Ram: May I know if there has been any estimate of the require-

ments of seed potatoes in this country and the availability thereof?

Shri K. M. Munshi: It is difficult to say what it is. As I have pointed out two lakh maunds are expected to arrive from foreign countries and five lakh maunds are grown in Himachal Pradesh and the country can absorb practically the whole of it, if it is of proper quality.

Shri Sidhva: The question was what was the total production and the total consumption of seed potatoes in the country.

Shri K. M. Munshi: I mentioned that 7 lakh maunds of seed potatoes are available. The best seed potatoes come from Himachal Pradesh and part of them also come from U.P. and some other places. I have no exact idea as to how much is grown in States other than Himachal Pradesh.

STATEMENT CORRECTING ANSWER TO STARRED QUESTION NO. 391 OF 21ST AUGUST, 1951 *re.* ALLOWANCE OF EXTRA DEPARTMENTAL BRANCH (RURAL) POST MASTERS.

The Deputy Minister of Communications (Shri Raj Bahadur): With your permission, Sir, I wish to correct certain unfortunate errors which occurred in my reply to the Starred Question No. 391, which my hon. friend Dr. M. V. Gangadhara Siva put on 21st August 1951.

It was stated in the reply that the allowance of Extra Departmental Branch Postmasters varied between Rs. 10 and Rs. 30 p.m. The correct position is that the allowance in this regard varies between Rs. 10 and Rs. 25 p.m. only.

Again, in reply to a Supplementary question thereon by Shri Dwivedi, I stated that the rate of dearness allowance admissible in such cases was the same as for other Government employees and that the Extra Departmental Agents were paid dearness allowance at the rate of Rs. 10 p.m. While it is correct that an Extra Departmental Branch Postmaster gets dearness allowance at Rs. 10 p.m. this rate is not in accordance with the scale of dearness allowance admissible to other Government Servants. The actual position is that the normal scale of dearness allowances is not applicable to Extra Departmental staff; the reason is that such staff are not recognised as full whole time Government servants.

I deeply regret these errors and apologise to you, Sir, and to the hon. Members.

WRITTEN ANSWERS TO QUESTIONS

DIVISIONAL MEDICAL OFFICER, DELHI

*1604. **Prof. S. L. Saksena:** (a) Will the Minister of **Railways** be pleased to state whether it is a fact that the Delhi Special Police Establishment demanded the transfer of the D.M.O., Delhi, outside Delhi, as there were serious charges of corruption against him and if so, was he transferred and if not, why not?

(b) Is it a fact that the case was hushed up following a departmental inquiry by the C.M.O., E.I.R., who stayed with the D.M.O. and was his personal friend?

(c) Is it a fact that the evidence of the staff under the D.M.O. was taken by the C.M.O. in the presence of the D.M.O.?

(d) Is it a fact that leave preparatory to retirement was refused to the D.M.O., Delhi, in June, 1951 to enable him to avail of it after his retirement and if so, why?

(e) Is it a fact that this D.M.O. has been rendering free medical aid to members of the Railway Board?

The Minister of State for Transport and Railways (Shri Santhanam): (a) It was requested by the Special Police Establishment that the D.M.O., E.P. Railway, Delhi, be moved away from Delhi; the request was not acceded to as the Railway Board, on the facts placed before them by the Inspector General, S.P.E., did not see any reason for doing so.

(b) The insinuation that the case was hushed up is baseless; the Railway Board ordered a departmental investigation after the S.P.E. had dropped the case. The finding of the C.M.O., E.I. Railway, in regard to the D.M.O. was that the allegations against him were unfounded and this finding was concurred in by the Chief Administrative Officer, E.P. Railway, and the Railway Board. The Chief Medical Officer, E.I. Railway, did not stay with the D.M.O., E.P. Railway.

(c) Yes.

(d) The leave was refused, not with a view to enabling the D.M.O. to avail of it after the date of his superannuation, but because it was not then possible to provide a relief in his place.

(e) I have no information whether he might have been consulted by any member of the Railway Board in his private capacity.

COMPENSATION TO OPERATORS OF ROAD TRANSPORT SERVICES

*1605. **Sardar Hukam Singh:** Will the Minister of **Transport** be pleased to state whether there is any uniform policy laid down by the Central Government for the guidance of the State Governments in the assessment of compensation to be paid to the Operators of road transport services when their business is taken over by the State Governments?

The Minister of State for Transport and Railways (Shri Santhanam): A uniform scale of compensation was suggested to the State Governments but almost all of them expressed unwillingness to adopt it, mainly on the ground that, factors which vary from State to State militate against uniformity, and that its adoption would result in over-capitalisation. Nevertheless, equitable adjustment of displaced operators' rights was continued to be urged and a revised scale has been included in a draft Bill to amend the Motor Vehicles Act, 1939, which has been circulated to the State Governments.

ASSAM RAIL LINK

*1615. **Shri Kshudiram Mahata:** Will the Minister of **Railways** be pleased to state:

(a) the working cost of Assam Rail link as estimated for the year 1951-52;

(b) the estimated income of it from goods and passenger Traffic for the same period; and

(c) the actual income during the period from 1st January to 30th June, 1951?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). It is not possible to furnish these figures as no separate estimates for expenditure and income during 1951-52 have been prepared for the Assam Rail Link Project, the Link having been merged, for the purpose of operation, with the Assam Railway system.

(c) The total receipts on the Link during the period 1st January to 30th June 1951 are Rs. 109 lakhs approximately.

PRODUCTION OF NEEM OIL

*1628. **Shri S. N. Das:** (a) Will the Minister of **Food and Agriculture** be pleased to state what are the important features of the scheme for the production and utilization of neem oil?

(b) How long will it take to put the Scheme into operation?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The Planning Commission has under consideration a scheme for the production and utilisation of neem oil. Under the scheme eleven units, each comprising seven neem seed pressing centres and a soap factory are proposed to be set up in eleven States producing neem seeds. In th initial period the oil produced at the pressing centres will be utilised by the eleven soap factories for the manufacture of washing soaps.

(b) As stated under (a) above, the scheme is still under the consideration of the Commission.

UNDERGROUND CABLES

*1629. **Shri S. N. Das:** Will the Minister of **Communications** be pleased to state:

(a) what are the improvements to the Trunk network of Telephone and Telegraph lines effected during the year 1951-52; and

(b) the places between which under ground cables have been laid or are proposed to be laid in 1951-52?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Since 1st April 1951, the telephone trunk wire mileage has increased by 1,636 miles, and the network has been extended to 65 more stations, a list of which is placed on the Table of the House. [*See* Appendix X, annexure No. 3]

Besides, 21 new carrier systems, including a 12 channel carrier between Patna and Calcutta, which is the first of its kind in India and which has increased the working efficiency of the carrier circuits between Calcutta and Patna, have been installed, thereby increasing the mileage of telephone carrier channels by 11,484 miles.

(b) So far no underground cables carrying trunk circuits have been laid. It is, however, proposed to lay underground cables between Thana and Bombay, as a first step in the trunk cable network.

BOARD OF MANAGEMENT FOR POST AND TELEGRAPH WORKSHOPS

*1630. **Shri S. N. Das:** Will the Minister of **Communications** be pleased to state:

(a) the date of appointment of the Board of Management for the Post and Telegraph workshops;

(b) the important features of reforms that the Board has introduced;

(c) whether the duties and powers of the Board have been defined;

(d) if so, what they are; and

(e) whether the Board has formulated a three year programme for procurement of supplies?

The Deputy Minister of Communication (Shri Raj Bahadur): (a) 1st April, 1951.

(b) The important features of reforms introduced by the Board are:—

(1) The procurement of raw materials on the basis of three years' stock of imported items and one year's stock of indigenous items has been arranged.

(2) A number of problems connected with the Workshop staff on the basis of the recommendations of the Pay Commission has been satisfactorily settled.

(3) The Workshops Board has already discussed improved and efficient methods of production for implementation, most important of these being the (a) Mechanisation of Jabalpur Foundry and (b) Replacement of Old Machinery.

(4) Efficient checks for control of production have been introduced.

The following reforms have been proposed:

(1) Testing of raw materials and manufactured articles at various stages of production.

(2) Experimental Workshop for improving the design of manufactured stores.

(3) Incentive for increased production.

(c) and (d). Yes. A copy of the Memorandum specifying the duties and powers of the Board is placed on the Table of the House. [*See* Appendix X, annexure No. 4].

(e) Yes.

AIR SERVICE FROM CALCUTTA TO THE FAR EAST

*1631. **Dr. M. M. Das:** Will the Minister of **Communications** be pleased to state:

(a) whether Government have received any application from any Indian Airlines for permission to run an airline from Calcutta *via* Imphal to the Far East;

(b) Whether Government have requested the Government of Burma for necessary permission to use North Burma aerodromes by the said Indian Airline; and

(c) if so, what response Government have received from the Government of Burma and how far the scheme has been finalised?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Bharat Airways, Limited, have applied for permission to extend their Calcutta-Agartala-Kumbhigram Imphal air service to Kalemyo and Myitkina in North Burma.

(b) No, Sir.

(c) Does not arise.

INTEGRATION OF DIFFERENT RAILWAYS

*1632. **Dr. M. M. Das:** Will the Minister of **Railways** be pleased to state:

(a) how far the integration of the different Railways of South India into one Zonal Division has been completed;

(b) whether any additional expenditure has been incurred for the integration and if so, what;

(c) whether any unforeseen difficulties have arisen in the implementation of the scheme; and

(d) when this scheme of integration will be completed?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The combined offices of the various departments at the headquarters contemplated for the integrated Railway have been formed.

(b) The expenditure of about Rs. 2 lakhs incurred for minor structural alterations to accommodate the new offices and for staff engaged in implementing the integration has been offset by the recurring saving in the number of officers

(c) No.

(d) By the end of the current financial year as far as the Southern Railway is concerned.

CHITTARANJAN LOCOMOTIVE FACTORY

*1633. **Dr. M. M. Das:** Will the Minister of **Railways** be pleased to state:

(a) the total expenditure incurred by Government for the Chittaranjan Locomotive Factory up-to-date;

(b) the total number of Locomotives that have been assembled in that factory since its completion;

(c) the total number of employees of the factory and the number of non-Indians among the employees:

(d) the total number of parts required for a locomotive and how many of this total number are at present manufactured in the factory;

(e) the approximate date when Government hope to manufacture all the parts of a locomotive in the factory;

(f) whether the cost of manufacture of a locomotive in this factory has been calculated;

(g) if so, the cost per locomotive, that has been built in the factory; and

(h) how this cost compares with that of an imported locomotive?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Rs. 11,99,71,000.

(b) 12 locomotives have so far been assembled, the first 10 from all imported components and the 11th and 12th with approximately 50 per cent. of the components manufactured at Chittaranjan.

(c) 2,663, including 8 non-Indians.

(d) The total number of parts required for a W.G. locomotive, now under manufacture at Chittaranjan is 5,359; of which normally 4,487 would be manufactured in these Works when the Factory is in full production. Remaining 872 items will not be manufactured at Chittaranjan. At present 2,356 items of components are being manufactured at Chittaranjan.

(e) It is anticipated that all the 4,487 items of components for the W.G. Locomotives will be manufactured at Chittaranjan from 1954 onwards.

(f) It has not yet been possible to calculate the cost that will be incurred when the manufacture of locomotives is fully established in the factory.

(g) The cost of the first batch of 10 locomotives assembled was approximately 6·5 lakhs each. The cost of the next batch of 20 engines, of which only two have so far been built and despatched, has not yet been finally determined.

(h) The landed cost of an imported W.G. locomotive is about Rs. 4½ lakhs.

Nagpur Plan

***1634. Shri M. Naik:** (a) Will the Minister of **Transport** be pleased to state what is the expenditure incurred and the progress achieved so far in respect of laying down a system of National Highways in India as visualized under what is known as the "Nagpur Plan"?

(b) What is the aggregate mileage of National Highways, trails and other roads stipulated under the Plan?

(c) What is the estimated expenditure involved in the Plan and the time by which the Plan is to be executed?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (c). A reference is invited to paragraphs 6 to 10 of Chapter I and Appendix III of the Ministry of Transport's Report for 1950-51—Part II: Road Development, (copies of which are in the Library of the House).

Central Commodity Committees

***1635. Shri M. Naik:** (a) Will the Minister of **Food and Agriculture** be pleased to state what are the functions of the Central Commodity Committees?

(b) How many such committees are functioning at present?

(c) What is the total annual expenditure involved in each of the committees?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). A statement furnishing the required information is placed on the Table of the House. [*See* Appendix X, annexure No. 5].

भारतीय कृषि अनुसंधान संस्था

*१६३६. श्री खापर्डे : (क) खाद्य तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि क्या भारतीय कृषि अनुसंधान संस्था कोई ऐसा हल बना सकी है जो केवल एक ही बैल द्वारा चलाया जा सके।

(ख) क्या उक्त संस्था कोई ऐसा हल बनाने में सफल हुई है जो बैलों के स्थान पर आदमी द्वारा ही चलाया जा सकें और जो एक या दो एकड़ भूमि के छोटे छोटे टुकड़ों पर खेती के काम में आ सके ?

Indian Agricultural Research Institute

[***1636. Shri Khaparde:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether the Indian Agricultural Research Institute has been able to find out such a plough as can be used with the help of only one bullock?

(b) Has the said Institute been able to find out a plough which could easily be used with the help of a man instead of bullocks and be of use in cultivating small areas of land comprising of an acre or two?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Not yet.

Certain experiments were conducted at the Institute to examine the possibility of the working of *Desi* Plough with a single bullock. The results were however inconclusive. Further trials are proposed to be conducted.

(b) No. Man-power is not considered sufficient to easily bear the draft and load of even a small plough continuously. There is reason to doubt if at all a man can be employed for this purpose with any degree of success.

WIRELESS THEFT ALARM

*1637. **Shri Sonavane:** (a) Will the Minister of **Communications** be pleased to state whether it is a fact that one Shri Pratap Narayan Choudhary, an engineering Graduate of Banaras University, has invented a "Wireless theft alarm"?

(b) If so, what are the special features of the invention?

(c) Has the invention been tested, tried and introduced so far anywhere?

(d) If so, what is the cost of the machine?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (d). No such invention has been brought to the notice of Government or of the Department concerned. Information is being collected and will be laid on the Table of the House in due course.

YIELD OF *rabi* JOWAR

*1638. **Shri Sonavane:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that Shri B. D. Kulkarni of Sholapur had produced an yield of one hundred bags (i.e. 25,000 lbs.) per acre of *rabi Jowar* on the Government farms of Bombay State?

(b) If so, has the method employed by Shri Kulkarni been made available to the cultivators of Bombay State?

(c) Has advantage been taken of this method of growing more food by the Government of India?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No.

(b) and (c). Do not arise.

PROCUREMENT AND ISSUE PRICES OF PADDY AND RICE IN WEST BENGAL

*1639. **Shri Chattopadhyay:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether the Committee set up to enquire into and report on the question of procurement and issue prices of rice and paddy in West Bengal has submitted its Report and if so, when?

(b) What are the main recommendations of the Committee?

(c) Have Government considered the report so far?

(d) What decisions have been taken?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes; on 18th August, 1951.

(b) The Committee have recommended a reduction of Rs. 1/5/- a maund in the present margin between the procurement and issue price of rice.

(c) and (d). The report is under consideration.

RURAL POST OFFICES

*1640. **Shri S. C. Samanta:** (a) Will the Minister of **Communications** be pleased to state how many rural Post offices have been newly opened between November, 1950 and March, 1951 and from April, 1951 up-to-date?

(b) According to the Extension of Rural Postal Facilities Plan, how many new rural Post offices will be opened during the rest of the financial year 1951-52 in villages having a population of two thousand or more?

(c) In how many cases of new Post offices all necessary preliminary enquiries have been made?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) November, 1950 to March, 1951—1626.
April, 1951 up-to-date—176.

(b) About 2,500 proposals are to be examined. All efforts will be made to open Post offices in all these villages during the current year.

(c) 324.

RAW JUTE (PRICE)

*1641. **Shri D. S. Seth:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the price of raw jute per maund in the District of Purnea (Bihar State): and

(b) the price per maund of rice?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Rs. 50 per maund for the Middle variety and Rs. 48 per maund for the Bottom variety.

(b) Rs. 37 per maund.

हिमालय के देवदार वृक्षों से समाचार पत्रों के कागज का निर्माण

*१६४२. श्री बी० ऐस० आर्य : क्या खाद्य तथा कृषि मन्त्री १० मई १९५१ को पूछे

गये तारांकित प्रश्न संख्या ४०२६ के सम्बन्ध में दिये गये उत्तर को निर्दिष्ट करने की कृपा करेंगे और बतलायेंगे कि :

(क) हिमालय के देवदार आदि वृक्षों से समाचार पत्रों का कागज बनाने वाली मिल कहां स्थापित की जायेगी और उस का काम कब आरम्भ होगा ?

(ख) इस कार्य के लिये कितने विशेषज्ञ आये हैं ; तथा

(ग) इस कार्य पर सरकार द्वारा अनुमानत: कितना व्यय किया जायेगा ?

NEWSPRINT MANUFACTURE FROM HIMALAYAN FIRS

[*1642. **Shri B. S. Arya:** Will the Minister of **Food and Agriculture** be pleased to refer to the answer given to Starred Question No. 4026 asked on the 10th May, 1951 and state:

(a) at what place the Mills for manufacture of newsprint from Himalayan spruce and fir would be located and when the work would start;

(b) how many experts have come for this purpose; and

(c) what is the estimated expenditure to be incurred by Government for this work?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). The Food and Agriculture Organisation have not been able so far to select and send out an expert to advise regarding manufacture of newsprint from Himalayan spruce and firs. It is only after this expert's report becomes available that it would be possible to decide on the location of mills.

(c) About Rs. 3,000 for the preliminary report of the specialist.

गढ़वाल जिले में डाक व तार घर

*१६४३. **श्री बी० एस० आर्य** (क) संचरण मन्त्री यह बतलाने की कृपा करेंगे कि अप्रैल १९५० से मार्च १९५१ तक गढ़वाल जिले में कितने शाखा डाक व तार घर खोले गये ?

(ख) उन में से कितने स्थायी हैं तथा कितने अभी तक अस्थायी तथा चालू वर्ष में कितने नये डाक घर खोलने का विचार है ?

POST AND TELEGRAPH OFFICES IN GARHWAL DISTRICT

[*1643. **Shri B. S. Arya:** (a) Will the Minister of **Communications** be pleased to state the number of branch Post and Telegraph offices opened in Garhwal District from April, 1950 to March, 1951?

(b) How many of them have been made permanent and how many of them are still temporary and how many new Post offices are proposed to be opened during the current year?]

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Branch Post Offices—1.

Combined Post and Telegraph Offices—2.

(b) Made permanent—*Nil.*

Still temporary—3.

Post Offices proposed to be opened—5.

TELEGRAPHIC COMMUNICATIONS OF AGARTALA

*1644. **Shri G. S. Guha:** (a) Will the Minister of **Communications** be pleased to refer to the reply given to my unstarred question No. 414 asked on the 5th June, 1951 and state whether the proposal for linking up Kailashahar with Agartala in Tripura State has now been finalised?

(b) If so, when is it likely to materialise?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, but the previous proposal to connect Kailashahr with Agartala by a wireless link has been dropped. In its place, the erection of a landline, connecting Kailashahr with Agartala as well as with Silchar, has been sanctioned.

(b) By June, 1952.

LANDING STRIPS IN TRIPURA

*1645. **Shri G. S. Guha:** (a) Will the Minister of **Communications** be pleased to state whether the question of converting one of the several landing strips in Tripura State into a regular aerodrome is under examination?

(b) Is the Agartala aerodrome fitted with night-landing facilities?

(c) Are the various landing strips in Tripura State in use throughout the year and if not, when are they in use?

(d) Are both goods and passengers carried by planes to and from these landing strips?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, Sir.

(b) The aerodrome is fitted with emergency night landing facilities.

(c) The airstrips are available for use throughout the year.

(d) Both goods and passengers are carried by planes to and from these landing strips except Belonia which has not attracted any passenger traffic so far.

CULTIVABLE LAND IN TRIPURA

*1646. **Shri G. S. Guha:** (a) Will the Minister of **States** be pleased to state what is the total area of cultivable land in Tripura State and out of this what area is under cultivation by "Jiratia" tenants from Pakistan?

(b) What is the approximate quantity of paddy produced in those areas?

(c) Is the total quantity of paddy produced in Tripura State sufficient for the population of that State?

(d) If not, what steps do Government propose to take to make the State self-supporting?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The total area of cultivable land in Tripura including current fallows is approximately 4 lacs acres out of which about 40 thousands acres are cultivated by 'Jiratia' tenants from Pakistan.

(b) Approximately 55 lacs maunds of paddy are produced in Tripura, out of which 8 thousands maunds are produced in lands held by 'Jiratia' tenants.

(c) In normal years paddy produced in Tripura is sufficient for the State's needs.

(d) Does not arise.

PASSENGER AMENITIES

389. **Shri Kshudiram Mahata:** Will the Minister of **Railways** be pleased to state:

(a) what percentage does the amount of money spent on passenger amenities for different classes during the years 1949-50 and 1950-51 forms of the incomes derived from the passenger traffics of corresponding classes during these years;

(b) what percentage does the amount sanctioned in 1951-52 for different classes of passengers form of the estimated receipts from the corresponding classes in 1951-52; and

(c) the amount spent per passenger of different classes separately for passenger amenities during the years 1949-50, 1950-51 and to be spent in 1951-52?

The Minister of State for Transport and Railways (Shri Santhanam): Special Passenger amenity works intended to overtake the arrears of the past are meant for all classes of passengers, and segregating the works with their costs for each class separately is not possible, and as such the information furnished below is for all classes of passengers taken together:

(a) 2·1 per cent. and 2·8 per cent. of total passenger earnings was spent on such passenger amenities for all classes during 1949-50 and 1950-51 respectively.

(b) The amount proposed during 1951-52 to be spent for such passenger amenities for all classes works to 2·6 per cent. of the total estimated passenger earnings.

(c) The amount spent on such passenger amenities per passenger during 1949-50 and 1950-51 is 3·1 pies and 4·1 pies respectively and that proposed for such passenger amenities in 1951-52 works to 4·4 pies per passenger.

PILFERAGE OF RAILWAY CONSIGNMENTS

390. **Dr. Deshmukh:** (a) Will the Minister of **Railways** be pleased to state the number of thefts and cases of pilferage recorded during each of the years 1948-49, 1949-50, 1950-51 and up to the 31st July, 1951, on all the Railways?

(b) What is the amount of money involved in each year?

(c) What was the compensation paid during each of the above years?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (c). Attention of the hon. Member is, in this connection, invited to Volume I of the reports by the Railway Board on Indian Railways for the years 1948-49 and 1949-50, pages 41 and 32 respectively, which, *inter alia*, give figures of claims paid on account of goods stolen, railway by railway. These reports are available in the Library of the House. The report for the year 1950-51 is under compilation. Separate compilation of information in the form requested, as also for the period from 1st of April to 31st July, 1951, will involve considerable labour

and will not be commensurate with the results achieved thereby.

GHEE ADULTERATION COMMITTEE

390-A. Shri S. N. Das: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Ghee Adulteration Committee has submitted its report;

(b) the important recommendations of the Committee;

(c) whether the recommendations have been considered by Government; and

(d) if not, how long they will take to give effect to its recommendations?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No.

(b) to (d). Do not arise.

CONGRESS OF WORLD TOBACCO INDUSTRY

391. Shri S. N. Das: (a) Will the Minister of **Food and Agriculture** be pleased to state whether the Government of India participated in the Congress of the World Tobacco Industry which was held at Amsterdam?

(b) If so, who were the delegates sent to the Congress on behalf of this Government?

(c) If not, was India represented on this Congress by any non-official organisations?

(d) If so, what are the names of the non-official organisations which sent their representatives?

(e) What were the important points discussed in the Congress?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (d). No. The Government of India did not participate in this Conference. An Officer employed under the Indian Central Tobacco Committee attended it on behalf of the Committee itself.

(e) Information is not yet available.

सत्यमेव जयते

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XVI, 1951

(24th September, 1951 to 16th October, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

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CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), Fourth Session 1951.

Volume XVI,—

1. No. 1, dated the 24th September, 1951,—

   (i) Col. 3193, line 10 *for* "Act, 1151" *read* "Act, 1951"

2. No. 2, dated the 25th September, 1951,—

   (i) Col. 3260, line 18 *for* "set" *read* "sat".

3. No. 3, dated the 26th September, 1951,—

   (i) صفحہ ۳۳۱۵ پہلی لائن میں ”مولنا آزاد“ کی جگہ ”مولنا آزاد“ پڑھیں

   (ii) भाग ३४१६, पंक्ति १३ में "सायतें" के स्थान पर "आयत" पढ़ें ।

4. No. 4, dated the 27th September, 1951,—

   (i) Col. 3902, line 19 from bottom *for* "rent for occupation of houses" *read* SHORT NOTICE QUESTION".

   (ii) भाग ३४९०, पंक्ति १३ में "ट्स ग्रांकमेंटी" के स्थान पर "ग्रांट्स कमेटी" पढ़ें

5. No. 6, dated the 29th September, 1951,—

   (i) Col. 3902, line 19 from bottom *for* "rent for occupation of houses" *read* "damages for the occupation".

   No. 7, dated the 1st October, 1951,—

   (i) Col. 3952, line 16 *omit* "a".

   7. No. 8, dated the 3rd October, 1951,—

   (i) Col. 4040 *for* existing line 19 *read* "it has been made out that pre-censor-"; *after* existing line 40 *insert* "permanent period to the hands of the" and *delete* line 43.

8. No. 9, dated the 4th October, 1951,—

   (i) Col. 4153 last line, *for* "L.P.C." *read* "I.P.C.".

   (ii) Col. 4188, *for* existing line 18 from bottom *read* "cular case by that experience and I".

9. No. 10, dated the 5th October, 1951,—

   (i) भाग ४२८७, अन्तिम पंक्ति में "बेल्यिम" को "बेल्जियम" पढ़ें।

   (ii) Col. 4346, line 4 from bottom *after* "years" *insert* "ago".

10. No. 11, dated the 6th October, 1951,—

   (i) Col. 4418, line 26 *for* "stituted" *read* "substituted".

   (ii) Col. 4460 *after* line 27 *insert* "ages etc."

   (iii) Col. 4523, line 19 from bottom *for* "Cognizilibity" *read* "Cognizability"

   (iv) Col. 4524, line 11 *for* "Cognizilibity" *read* "Cognizability".

   No. 12, dated the 11th October, 1951,—

   (i) Col. 4694, *for* existing lines 7-9 *read* "given to Shri Acchru Ram's case... **Shri Kamath:** I am sorry it is a very ignorant imputation.....".

   (ii) Col. 4721 *for* existing line 35 *read* "number of tractors to be produced"

12. No. 13, dated the 12th October, 1951,—

(i) Col. 4743 *after* line 5 *insert* "(No Questions—Part I not Published)" as 1st line.

(ii) Col. 4844 in line 32 *for* "**Khwaja Inait Ullah:** May I point" *read* "**Shri Jhunjhunwala.** I just want".

13. No. 14, dated the 15th October, 1951,—

(i) Col. 4913, line 13 from bottom *for* "(**Sidhva**)" *read* "(**Shri Sidhva**)".

(ii) भाग ४९५६, पंक्ति १२ में "पीछे" के स्थान पर "पीते" पढ़ें।

(iii) Col. 4984 *for* existing lines 10 and 11 from bottom *read* "A person shall be disqualified for being chosen as and for being".

14. No. 15, dated the 16th October, 1951,—

(i) Col. 5093, *for* existing line 34 *read* "for the industrial development of our country".

(ii) Col. 5128 in line 5 from bottom *after* "to" *insert* "give to".

THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

PARLIAMENT OF INDIA

Saturday, 6th October, 1951.

The House met at Nine of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

10-7 A.M.

PAPERS LAID ON THE TABLE

REPORT OF COMMITTEE ON REGULATION OF STOCK EXCHANGES, ETC.

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of the Report of the Committee on proposed legislation for the regulation of Stock Exchanges and Contracts in Securities along with a summary of conclusions and recommendations of the Committee, promised in reply to Starred Question No. 429, on the 22nd August, 1951. [*Placed in Library. See* No. IV S.O. (147)].

MEMORANDUM ON TARIFF NEGOTIATIONS HELD AT TORQUAY

The Minister of Commerce and Industry (Shri Mahtab): I beg to lay on the Table a copy of the Memorandum on the Tariff Negotiations held under the General Agreement on Tariffs and Trade at Torquay (England). [*Placed in Library. See* No. IV. S.O. (146)].

ELECTION TO COMMITTEE

CENTRAL ADVISORY BOARD OF ARCHAEOLOGY

Mr. Deputy-Speaker: I have to inform the House that upto the time fixed for receiving nominations for the Central Advisory Board of Archaeology, four nominations were received. As the number of candidates is equal to the number of vacancies in the Board, I declare the following Members to be duly elected: Shri Kashinathrao Vaidya, Shri V. Ramaiah, Dr. C. D. Pande and Shri Sri Narayan Mahtha.

PART B STATES MARRIAGES VALIDATING BILL

The Minister of State for Transport and Railways (Shri Santhanam): I beg to move for leave to introduce a Bill to validate certain marriages solemnized in certain Part B States between the 26th day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872.

Mr. Deputy-Speaker: The question is:

> "That leave be granted to introduce a Bill to validate certain marriages solemnized in certain Part B States between the 26th day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872."

The motion was adopted.

Shri Santhanam: I introduce the Bill.

GO-SAMVARDHAN BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Minister of Food and Agriculture (Shri K. M. Munshi): I beg to move:

> "That the time appointed for the presentation of the Report of the Select Committee on the Bill to promote 'Go-samvardhana' and for matters connected therewith, be further extended upto the last day of the first week of the next session."

Mr. Deputy-Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to promote 'Go-samvardhana' and for matters connected therewith, be further extended upto the last day of the first week of the next session."

The motion was adopted.

INDIAN STANDARDS INSTITUTION (CERTIFICATION MARKS) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Deputy Minister of Commerce and Industry (Shri Karmarkar): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the standardisation and marking of goods, be further extended upto the last day of the first week of the next session."

Mr. Deputy-Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the standardisation and marking of goods, be further extended upto the last day of the first week of the next session."

The motion was adopted.

MOTIONS *RE* DELIMITATION OF CONSTITUENCIES ORDERS

Mr. Deputy-Speaker: We will take up motions *re.* delmitation of constituencies. I will call the names of hon. Members who have given notice of motions, they need merely say they move.

The Minister of Law (Dr. Ambedkar): I have got to make five motions which are the main motions. Thereafter, there are certain motions for amending my motions. Therefore, I submit, subject to your ruling, the proper course would be to call upon me first to move my motions and then ask the other Members who want to move amending motions to move theirs.

Mr. Deputy-Speaker: The hon. Minister may move his motions now.

COUNCIL CONSTITUENCIES (BOMBAY) ORDER

Dr. Ambedkar: I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (Bombay) Order, 1951, laid on the Table on the 20th September, 1951, namely:

(1) That in the Table, under the heading "Graduates' Constituencies" against the entry "Bombay City (Graduates)" in column 1, for the entry "Bombay City" occurring in column 2, the following be substituted, namely:—

"Greater Bombay."

(2) That in the Table under the heading "Graduates' Constituencies" against the entry "Northern Division (Graduates)" in column 1, for the entry "Northern Division" occurring in column 2, the following be substituted, namely:—

"Northern Division excluding Bombay suburban Districts and Ahmedabad City"

(3) That in the Table, under the heading "Graduates' Constituencies" against the entry "Central Division (Graduates)" in column 1, for the entry "Central Division" occurring in column 2, the following be substituted, namely:—

"Central Division excluding Poona City"

(4) That in the Table, under the heading "Teachers' Constituencies" against the entry "Bombay City (Teachers)" in column 1, for the entry "Bombay City" occurring in column 2, the following be substituted, namely:—

"Greater Bombay"

(5) That in the Table, under the heading "Teachers' Constituencies" against the entry "Northern Division (Teachers)" in column 1, for the entry "Northern Division" occurring in column 2, the following be substituted, namely:—

"Northern Division excluding Bombay suburban Districts and Ahmedabad City."

(6) That in the Table, under the heading "Teachers' Consti-

tuencies" against the entry "Central Division (Teachers)" in column 1, for the entry "Central Division" occurring in column 2, the following be substituted, namely:—

"Central Division excluding Poona City".

(7) That in the Table, under the heading "Local Authorities' Constituencies", against the entry "Bombay City (Local Authorities)" in column 1, for the entry "Municipal Corporation of Bombay City" occurring in column 2, the following be substituted, namely:—

"Area under the jurisdiction of the Municipal Corporation of Greater Bombay."

(8) That in the Table, under the heading "Local Authorities' Constituencies", against the entry "Ahmedabad City (Local Authorities)" in column 1, for the entry "Municipal Corporation of Ahmedabad" occurring in colmun 2, the following be substituted namely:—

"Area under the jurisdiction of the Municipal Corporation of Ahmedabad."

(9) That in the Table, under the heading "Local Authorities' Constituencies", against the entry "Ahmedabad District (Local Authorities)" in column 1, for the entry "Ahmedabad District (excluding Ahmedabad City Municipal Corporation) and Sabarkantha District" occurring in column 2, the following be substituted, namely:—

"Ahmedabad District (excluding the area under the jurisdiction of the Municipal Corporation of Ahmedabad) and Sabarkantha District".

(10) That in the Table, under the heading "Local Authorities' Constituencies", against the entry "Poona City (Local Authorities)" in column 1, for the entry "Municipal Corporation of Poona City" occurring in column 2, the following be substituted, namely:—

"Area under the jurisdiction of the Municipal Corporation of Poona."

(11) That in the Table, under the heading "Local Authorities' Constituencies", against the entry "Poona (Local Authorities)" in column 1, for the entry "Poona District excluding Poona city Municipal Corporation" occurring in column 2, the following be substituted, namely:—

"Poona District (excluding the area under the jurisdiction of the Municipal Corporation of Poona."

COUNCIL CONSTITUENCIES (MADRAS) ORDER

Dr. Ambedkar: I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (Madras) Order, 1951, laid on the Table on the 20th September, 1951, namely:

(1) That at page 1, in the Table, under the heading "Graduates' Constituencies" against the entry "Madras South (Graduates)" in column 1, for the words "Madras City, and the Chingleput" occurring in column 2, the words "Madras, Chingleput" be substituted.

(2) That at page 2, in the Table, under the heading "Teachers' Constituencies" against the entry "Madras South (Teachers)" in column 1, for the words "Madras City, and the Chingleput" occurring in column 2, the words "Madras, Chingleput" be substituted.

COUNCIL CONSTITUENCIES (MYSORE) ORDER

Dr. Ambedkar: I beg to move:

That the following modification be made in the Delimitation of Council Constituencies (Mysore) Order, 1951 laid on the Table on the 20th September, 1951, namely:

That in the Table, the word "Revenue" wherever it occurs, be omitted.

PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (MADRAS) (AMENDMENT) ORDER

Dr. Ambedkar: I beg to move:

(1) That the following modification be made in the Delimitation of Parliamentary and Assembly Constituencies (Madras) (Amendment) Order 1951 laid on the Table on the 20th September, 1951, namely:—

'That at page 17, in Item (69)— "Villages comprising the firka of

[Dr. Ambedkar]

Vaniyambadi in Tirupattur taluk" —for the words "and Chinnakallupalli" occurring at the end, the words "Chinnakallupalli and Devasthanam" be substituted.'

(2) That the following modifications be made in the Delimitation of Parliamentary and Assembly Constituencies (Madras) (Amendment) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

1. That at page 1, in para. 2 (b), in the proposed *Explanation*, for the words "area comprising the villages" the word "areas" be substituted.

2. That at page 2, for para. 5 of the said Order the following be substituted, namely:

"5. In item (23) of the Appendix to the said Order, for the words "Sevalur part, Pothuravuthampatti, Manapparai" the words "Manapparai panchayat" shall be substituted."

3. That in para. 6,—

(i) in item (2) of the Schedule, for the words "Pitali, Sirimamidi and Gollagandi" the words "Pitali and Sirimamidi" be substituted;

(ii) in item (14) of the Schedule, after the words "Venkampeta near Ramavaram" the word "Ramavaram," be inserted;

(iii) in item (21) of the Schedule, after the word "Derasan," the word "Pydibhimavaram" be inserted;

(iv) in item (63) of the Schedule, after the words "Koppedu Kapula, Kandriga," the word "Agaram," be inserted;

(v) in item (80) of the Schedule, for the word "Kallupatti" where it occurs for the second time, the word "Sethupatti" be substituted;

(vi) in item (87) of the Schedule, for the word "Aruppukkottai" the words "Arupppukkottai Municipality" be substituted;

(vii) in item (93) of the Schedule, for the words and brackets "Devakottai Rural (Eravaseri)" the words and brackets "Devakottai Municipality, Eravaseri (Rural)" be substituted; and

(viii) in item (95) of the Schedule, for the words and brackets "Keppapatnam (Manamathurai Panchayat Board)" the words "Kepparpatnam, Manamadurai Panchayat" be substituted.

PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (UTTAR PRADESH) (AMENDMENT) ORDER

Dr. Ambedkar: I beg to move:

That the following modifications be made in the Delimitation of Parliamentary and Assembly Constituencies (Uttar Pradesh) (Amendment) Order, 1951 laid on the Table on the 20th September, 1951, namely:

(1) That at page 1, in para. 2 (ii), after the words "but including Mohammadi," the words "Atwa Piparia," be inserted.

(2) That at page 1, in para. 2 (iii), after the bracket and words "(excluding Mohammadi," the words "Atwa Piparia," be inserted.

(3) That at page 2, in para. 3 (i), in the Table for the entry "Pauri (North) *cum* Chamoli (East)" in column 1, the following entry be substituted; namely:—

"Pauri (South) *cum* Chamoli (East)"	

(4) That at page 2, after para. 3 (iii), the following new sub-para. be inserted, namely:—

"(iiia) for the entries "Mohamdi (West)" and "Mohamdi (East)" in column 1, and for the entries against them in column 2, the following entries be substituted namely:—

1	2
Mohammadi (West)	Mohammadi, Atwa Piparia, Magadpur and Pasgawan Parganas of Mohammadi tahsil.
Mohammadi (East)	Mohammadi tahsil (excluding Mohammadi, Atwa Piparia, Magadpur and Pasgawan Parganas)."

COUNCIL CONSTITUENCIES (BIHAR) ORDER

Shri Kshudiram Mahata (Bihar): I beg to move:

(1) That the following modifications be made in the Delimitation of Council Constituencies (Bihar) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

1. That in the Table, for the entry "Bihar (Graduates)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
(*i*) Bihar excluding Chota Nagpur Division (Graduates).	Entire State except Chota Nagpur Division	4
(*ii*) Chota Nagpur Division (Graduates).	Chota Nagpur Division . . .	2

2. That in the Table, for the entry "Patna-*cum*-Chota Nagpur (Teachers)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
Chota Nagpur (Teachers) . .	Chota Nagpur Division . . .	2

3. That in the Table, for the entry "Tirhut-*cum*-Bhagalpur (Teachers)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
(*a*) North Bihar (Teachers) . .	Portion of Bihar State North of Ganges .	2
(*b*) South Bihar excluding Chota Nagpur (Teachers).	Portion of Bihar State South of Ganges excluding Chota Nagpur Division.	2

4. That in the Table, for the entry "Chota Nagpur (Local Authorities)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
(*a*) Hazaribagh (District Board and Local Board).	Hazaribagh District	1
(*b*) Ranchi (District Board and Local Board).	Ranchi District	1
(*c*) Palamau (District Board and Local Board).	Palamau District	1
(*d*) Manbhum (District Board and Local Board).	Manbhum District	1
(*e*) Singhbhum (District Board and Local Board).	Singhbhum District	1
(*f*) Chota Nagpur (Municipality) .	Chota Nagpur Division	1

[Shri Kshudiram Mahata]

(2) That the following modifications be made in the Delimitation of Council-Constituencies (Bihar) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

1. That in the Table, for the entry "Bihar (Graduates)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
(*i*) North Bihar (Graduates) . .	Portion of Bihar State North of the Ganges	2
(*ii*) South Bihar excluding Chota Nagpur (Graduates).	Portion of Bihar State South of the Ganges excluding Chota Nagpur Division.	2
(*iii*) Chota Nagpur (Graduates) .	Chota Nagpur Division	2

2. That in the Table, for the entry "Patna (Local Authorities)" in column 1 and all the entries occurring against it in colmuns 2 and 3, the following be substituted, namely:—

1	2	3
(*i*) Patna (District Boards) .	Patna Division .	4
(*ii*) Patna (Local Authorities other than District Boards).	Patna Division	2

3. That in the Table, for the entry "Tirhut (Local Authorities)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
(*i*) Saran (District Boards) . .	Saran District .	1
(*ii*) Champaran (District Boards) .	Champaran District . .	1
(*iii*) Muzaffarpur (District Boards) .	Muzaffarpur District .	1
(*iv*) Darbhanga (District Boards) .	Darbhanga District . .	1
(*v*) Tirhut (Local Authorities other than District Boards).	Tirhut Division	2

4. That in the Table, for the entry "Bhagalpur (Local Authorities)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
(*i*) Bhagalpur (District Boards) .	Bhagalpur District . . .	1
(*ii*) Saharsa (District Boards) .	Saharsa District	1
(*iii*) Monghyr (District Boards) .	Monghyr District	1
(*iv*) Purnea (District Boards) .	Purnea District . .	1
(*v*) Santal Parganas (District Boards)	Santal Pargana District . . .	1
(*vi*) Bhagalpur (Local Authorities other than District Boards).	Bhagalpur Division .	1

5. That in the Table, for the entry "Chota Nagpur (Local Authorities)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
(i) Hazaribagh (District Boards) .	Hazaribagh District . .	1
(ii) Ranchi (District Boards) . .	Ranchi District .	1
(iii) Palamau (District Boards) .	Palamau District	1
(iv) Manbhum (District Boards) .	Manbhum District . . .	1
(v) Singhbhum (District Boards) .	Singhbhum District . .	1
(vi) Chota Nagpur (Local Authorities other than District Boards).	Chota Nagpur Division	1

(3) That the following modifications be made in the Delimitation of Council Constituencies (Bihar) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

1. That in the Table, for the entry "Bihar (Graduates)" in column 1 and all the entries occurring against it in columns 2 and 3, the following be substituted, namely:—

1	2	3
Patna Division (Graduates) . .	Patna Division	2
Tirhut Division (Graduates) . .	Tirhut Division . . .	2
Bhagalpur Division (Graduates) .	Bhagalpur Division .	1
Chota Nagpur Division (Graduates)	Chota Nagpur Division	1

2. That in the Table, under the heading "Teachers' Constituencies" for all the entries occurring in columns 1, 2 and 3, the following be substituted, namely:—

1	2	3
Patna Division (Teachers) . .	Patna Division	1
Tirhut Division (Teachers) . .	Tirhut Division	1
Bhagalpur Division (Teachers) .	Bhagalpur Division . .	2
Chota Nagpur Division (Teachers) .	Chota Nagpur Division	2

Shri Jnani Ram (Bihar): I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (Bihar) Order, 1951 laid on the Table on the 20th September, 1951, namely:

That for the Table, the following be substituted, namely:—

"TABLE

Name of Constituency	Extent of Constituency	Number of Seats
	Graduates' Constituencies	
Patna-*cum*-Bhagalpur-*cum*-Tirhut (Graduates).	Patna, Bhagalpur and Tirhut Divisions .	4
Chota Nagpur (Graduates) .	Chota Nagpur Division	2

[Shri Jnani Ram]

Name of Constituency	Extent of Constituency	Number of Seats
	Teachers' Constituencies	
North Bihar (Teachers) . .	North Bihar	2
South Bihar (Teachers) . .	South Bihar (excluding Chota Nagpur) .	2
Chota Nagpur (Teachers) . .	Chota Nagpur	2
	Local authorities' Constituencies	
District Boards, Local Boards and Union Boards.	Patna, Gaya, Shahabad, Bhagalpur, Monghyr, Santal Parganas, Saharsa, Saran, Champaran, Purnea, Darbhanga, Muzaffarpur, Ranchi, Hazaribagh, Manbhum, Singhbhum and Palamau.	17 (One for each district).
Patna City (Municipality) . .	Patna City Municipality . . .	1
Patna Division (Municipalities) .	Municipalities Patna Division (excluding Patna City Municipality).	1
Bhagalpur Division (Municipalities) .	Municipalities Bhagalpur Division . .	1
Tirhut Division (Municipalities) .	Municipalities Tirhut Division . .	2
Chota Nagpur Division (Municipalities).	Municipalities Chota Nagpur Division .	1
Manbhum-*cum*-Hazaribagh (Mines Board).	Mines Boards, Manbhum and Hazaribagh .	1"

Shri P. G. Sen (Bihar): I beg to move:

That the following modifications be made in the Delimitation of Council Constitutencies (Bihar) Order, 1951 laid on the Table on the 20th September, 1951, namely:

That for the Table, the following be substituted, namely:—

"TABLE

Name of Constituency	Extent of Constituency	Number of Seats
	Graduates' Constituencies	
1. Patna Division . .	Existing districts Patna Division .	1
2. Chota Nagpur Division .	Existing districts Chota Nagpur Division .	1
3. Bhagalpur Division . . .	Existing districts Bhagalpur Division .	1
4. Tirhut Division . . .	Existing districts of Tirhut Division .	1
5. Bhagalpur-*cum*-Chota Nagpur Division .	Existing Bhagalpur Division and Tirhut Division.	1
6. Patna-*cum*-Tirhut Division. .	Existing Divisions of Patna and Tirhut .	1
	Teachers' Constituencies	
1. Patna Division . . .	Existing districts Patna Division . .	1
2. Chota Nagpur Division . .	Existing districts Chota Nagpur Division	1

Name of Constituency	Extent of Constituency	Number of Seats
3. Bhagalpur Division	Existing districts Bhagalpur Division	1
4. Tirhut Division	Existing districts of Tirhut Division	1
5. Bhagalpur-*cum*-Chota Nagpur Division.	Existing Bhagalpur Division and Tirhut Division.	1
6. Patna-*cum*-Tirhut Division	Existing Divisions of Patna and Tirhut	1
Local Authorities' Constituencies		
1. Patna	District Boards, Local Boards and Union Boards of the district of Patna.	1
2. Gaya	District Boards, Local Boards and Union Boards of the district of Gaya.	1
3. Sahabad	District Boards, Local Boards and Union Boards of the district of Sahabad.	1
4. Bhagalpur	District Boards, Local Boards and Union Boards of the district of Bhagalpur.	1
5. Monghyr	District Boards, Local Boards and Union Boards of the district of Monghyr.	1
6. Santal Parganas	District Boards, Local Boards and Union Boards of the district of Santal Parganas.	1
7. Saran	District Boards, Local Boards and Union Boards of the district of Saran.	1
8. Champaran	District Boards, Local Boards and Union Boards of the district of Champaran.	1
9. Darbhanga	District Boards, Local Boards and Union Boards of the district of Darbhanga.	1
10. Muzaffarpur	District Boards, Local Boards and Union Boards of the district of Muzaffarpur.	1
11. Ranchi	District Boards, Local Boards and Union Boards of the district of Ranchi.	1
12. Hazaribagh	District Boards, Local Boards and Union Boards of the district of Hazaribagh.	1
13. Manbhum	District Boards, Local Boards and Union Boards of the district of Manbhum.	1
14. Singhbhum	District Boards, Local Boards and Union Boards of the district of Singhbhum.	1
15. Palamau	District Boards, Local Boards and Union Boards of the district of Palamau.	1
16. Purnea	District Boards, Local Boards and Union Boards of the district of Purnea.	1
17. Saharsa	District Boards, Local Boards and Union Boards of the district of Saharsa.	1
18. Manbhum-*cum*-Hazaribagh (Mines Board).	Mines Board Manbhum and Hazaribagh	1
19. Patna City Municipality	Patna City Municipality	1

[Shri P. G. Sen]

Name of Constituency	Extent of Constituency	Number of Seats
20. Patna Division Municipalities .	Patna Division Municipalities . . .	1
21. Bhagalpur Division Municipalities	Bhagalpur Division Municipalities . .	1
22. Tirhut Division Municipalities .	Tirhut Division Municipalities . . .	2
23. Chota Nagpur Municipalities .	Chota Nagpur Municipalities . . .	1"

Shri Ramraj Jajware (Bihar): My motion is also the same as moved by Shri P. G. Sen.

Shri Ansari (Bihar): I have also given notice of the same motion.

COUNCIL CONSTITUENCIES (BOMBAY) ORDER

Shri Deogirikar (Bombay): I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (Bombay) Order, 1951, laid on the Table on the 20th September, 1951, namely:

(1) That in the Table, under the heading "Graduates' Constituencies" for all the entries, the following be substituted, namely:—

1	2	3
Bombay City (Graduates) . .	Bombay City	1
Ahmedabad City (Graduates) . .	Ahmedabad City	1
Poona City (Graduates) . . .	Poona City	1
Northern Division (Graduates) .	Northern Division	1
Central Division (Graduates) . .	Central Division	1
Southern Division (Graduates) .	Southern Division	1

(2) That in the Table, under the heading "Teachers' Constituencies" for all the entries, the following be substituted, namely:—

1	2	3
Bombay City (Teachers) . .	Bombay City	1
Ahmedabad City (Teachers) . .	Ahmedabad City	1
Poona City (Teachers) . . .	Poona City	1
Northern Division (Teachers) . .	Northern Division	1
Central Division (Teachers) . .	Central Division	1
Southern Division (Teachers) . .	Southern Division	1

Shri Kanayalal Desai (Bombay): My motion is also the same.

Shri M. C. Shah (Bombay): I have also given notice of the same motion.

Shri Sonavane (Bombay): I have also tabled the same motion.

Shri Geogirikar: I beg to move:

That in the motion moved by me, in items (1) and (2), in column 2,—

(i) for the words "Bombay City", the words "Greater Bombay" be substituted;

(ii) for the words "Northern Division", the words "Northern Division excluding the Bombay Suburban District and Ahmedabad City" be substituted; and

(iii) for the words "Central Division" the words "Central Division excluding Poona City" be substituted.

COUNCIL CONSTITUENCIES (UTTAR PRADESH) ORDER

Babu Gopinath Singh: (Uttar Pradesh): I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951 laid on the Table on the 20th September, 1951, namely:

(1) That in the Table, under the heading "Graduates' Constituencies", for the entries "Uttar Pradesh West (Graduates)" and "Uttar Pradesh East (Graduates)" in column 1 and all the entries occurring against it, in columns 2 and 3, the following be substituted, namely:—

1	2	3
Uttar Pradesh (Graduates) . .	Entire State	6

OR

(i) That in the Table, under the heading "Graduates' Constituencies", against the entry "Uttar Pradesh West (Graduates)" in column 1, for all the words occurring in column 2, the words "Meerut, Agra, Jhansi, Allahabad and Faizabad Divisions" be substituted.

(ii) That in the Table, under the heading "Graduates' Constituencies", against the entry "Uttar Pradesh East (Graduates)" in column 1, for all the words occurring in column 2, the words "Rohilkhand, Kumaun, Lucknow, Banaras and Gorakhpur Divisions" be substituted.

(2) That in the Table, under the heading "Teachers' Constituencies", for the entries "Uttar Pradesh West (Teachers)" and "Uttar Pradesh East (Teachers)" in column 1 and all the entries occurring against them in columns 2 and 3, the following be stituted, namely:—

1	2	3
Uttar Pradesh (Teachers) . .	Entire State	6

OR

(i) That in the Table, under the heading "Teachers' Constituencies", against the entry "Uttar Pradesh West (Teachers)" in column 1, for all the words occurring in column 2, the words "Meerut, Agra, Jhansi, Allahabad and Faizabad Divisions" be substituted.

(ii) That in the Table, under the heading "Teachers' Constituencies", against the entry "Uttar Pradsh East (Teachers)" in column 1, for all the words occurring in column 2, the words "Rohilkhand, Kumaun, Lucknow, Banaras and Gorakhpur Divisions" be substituted.

(3) That in the Table, under the heading "Local Authorities' Constituencies" against the entry "Uttar Pradesh Central (Local Authorities)" in column 1, for the word "Budaun" occuring in column 2, the words "Rae Bareli" be substituted.

(4) That in the Table, under the heading "Local Authorities' Constituencies", against the entry "Uttar Pradesh South (Local Authorities)" in column 1, for the words "Rae Bareli" occurring in column 2, the word "Budaun" be substituted.

COUNCIL CONSTITUENCIES (WEST BENGAL) ORDER

Shri Chattopadhyay (West Bengal): I beg to move:

That the following modification be made in the Delimitation of Council Constituencies (West Bengal) Order, 1951 laid on the Table on the 20th September, 1951, namely:

That at page 2, in the Table, under the heading "Local Authorities' Constituencies" for the entries "Hooghly-Howrah (Local Authorities)" "Birbhum-Burdwan (Local Authorities)" and "Bankura-Midnapore (Local

[Shri Chattopadhyay]

Authorities)" in column 1, and all the entries occurring against them in columns 2 and 3, the following be substituted, namely:—

1	2	3
Burdwan Division (Local Authorities)	Burdwan Division	7

PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (BOMBAY) (AMENDMENT) ORDER

Shri Deogirikar: I beg to move:

That in the Delimitation of Parliamentary and Assembly Constituencies (Bombay) (Amendment) Order, 1951 laid on the Table on the 20th September, 1951, after item No. 3, the following new items Nos. 4 and 5 be inserted and item No. 4 be renumbered as item No. 6, namely:

(1) '4. In Table B.—Assembly Constituencies of the said Order, against the entry "North Malegaon" in column 1, for all the words in column 2, the following shall be substituted, namely:

"Malegaon Municipal area and Malegaon Taluka excluding such of the villages as are specified in item (36) of the Appendix".'

(2) '5. In Table B.—Assembly Constituencies of the said Order, against the entry "South Malegaon-North Nandgaon" in column 1, for all the words in column 2, the following shall be substituted, namely:—

"Villages of Malegaon Taluka as are specified in item (36) of the Appendix; and Nandgaon Taluka (excluding Nandgaon Municipal area and such of the villages as are specified in item (35) of the Appendix)."'

Shri Sonavane: My motion is also the same.

Shri Deogirikar: I beg to move:

That in the motion moved by me, in item No. (2) the words "Nandgaon Municipal Area and" be omitted.

PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (MADHYA PRADESH) (AMENDMENT) ORDER

Shri Jangde (Madhya Pradesh): I beg to move:

That the following modification be made in the Delimitation of Parliametary and Assembly Constituencies (Madhya Pradesh) (Amendment) Order, 1951 laid on the Table on the 20th September, 1951, namely:

That at page 2, after para. 3 (i) of the Order, the following new subparas. (ia) and (ib) be inserted, namely:

'(ia) against the entry "Nagpur I" in column 1, for the existing entry in column 2 the following entry shall be substituted:—

"Ward No. 1 including villages Somalwada, Chichabhuwan, Ajni, Wards Nos. 2 to 4, 7, 37 and 38 and Ward No. 39 including villages Borgaon, Hazaripahad and Dhaba, Wards Nos. 40, 41 including villages Kachimeth and Sonegaon Sim and Ward No. 42 including villages Jaitala, Bhamti, Sonegaon (Bazar), Khamla Takali Sim, Parsodi and Shiwangaon of Nagpur City of Nagpur tehsil.";

(ib) against the entry "Nagpur IV" in column 1, for the existing entry in column 2 the following entry shall be substituted:—

"Ward No. 8 including villages Babulkheda Sakardara, Manewada, Chikhali Khurd, Ward No. 10 including villages Harpur, Dighori, Bidpeth and Wathoda, Ward No. 22 including villages Hiwari, Pardi, Bhandewadi, Chikhali (Deosthan), Punapur and Bharatwada, Wards Nos. 23 and 24 including villages Kalamna, Wanjara and Wanzari, Wards Nos. 29 to 32, Ward No. 33 including Nari, Ward No. 34 including Takali (Big) and Gorewada, Ward No. 35 including villages Nara, Indora and Mankapur and Ward No. 36 of the Nagpur City and Nagpur R.I.C. (excluding patwari circles Nos. 1 and 10 to 12) of the Nagpur tehsil.";'.

Mr. Deputy-Speaker: All these motions will be deemed to be before the House. Those hon. Members who have given notice and are not present here can avail themselves of the opportunity of moving them at six o' clock. If we do not sit tomorrow, they cannot move the motions after six today. Tomorrow we may or may not sit; therefore, it is better that hon. Members move their motions today. These will be taken into consideration on the 11th.

PRESS (INCITEMENT TO CRIME) BILL—*contd.*

Clause 9.— (*Consequences of failure to deposit security etc.*—contd.

The Minister of Home Affairs (Shri Rajagopalachari): Yesterday we were discussing clause 9, sub-clause (3) and it was pointed out that there were objectionable features in that sub-clause. I have drafted an amendment and I have given notice of it now. I would like to move it so that hon. Members may understand the position where we left it last evening.

I beg to move:

For sub-clause (3) of clause 9, substitute:

> "(3) The keeper of any press who knowingly contravenes the provisions of sub-section (2) shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and where such keeper is convicted for a second time under this sub-section the court may also direct that the press or any part thereof shall be forfeited to Government."

The scheme of this clause is this. Where a publisher of a newspaper has been ordered to deposit security and he fails deliberately to do so and not only does he fail but gets his paper printed somewhere, we have to proceed against that process. I suggest in this amended clause that the keeper of any press who knowingly helps that conduct will be liable to punishment as for an offence and the punishment shall extend to imprisonment for a year or with fine or with both. Of course, it is necessary to prove that he did it knowingly. A conviction of that kind will take some time. The whole process of trial should be completed and he should be convicted. If he again persists, even after the conviction, and once again publishes and thereby puts himself necessarily in the position of a printer for a publisher who has been ordered to give security and who has failed to do so, he will be treated here as one who was a keeper of the press and who has failed to give security. Therefore, it is provided that on a second conviction the court may also direct that the press be forfeited. That would depend upon the recalcitrance and the gravity of the offence. Ordinarily, he would be liable for punishment as for an offence. I hope this amendment will meet the objections raised in regard to this sub-clause.

Mr. Deputy-Speaker: Amendment moved:

For sub-clause (3) of clause 9, substitute:

> "(3) The keeper of any press who knowingly contravenes the provisions of sub-section (2) shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and where such keeper is convicted for a second time under this sub-section the court may also direct that the press or any part thereof shall be forfeited to Government."

Pandit Kunzru (Uttar Pradesh): The principle underlying the amendment which is proposed by the Home Minister is better than that underlying sub-clause (3), but there are some features of the amendment which I think it is desirable for the Home Minister to consider. When a newspaper in respect of which security has not been deposited is printed and published, there are two persons who are responsible for violating the law—the publisher of the newspaper and the keeper of the press. The publisher of the newspaper will be punished under sub-clause (2) of clause 25 which runs as follows:

> "Whoever publishes any newspaper or news-sheet without making a deposit as required under section 7 or section 8 or publishes such newspaper or news-sheet knowing that such security has not been deposited, shall be punishable with fine, which may extend to Rs. 2,000 or with imprisonment for a term which may extend to six months or with both."

It is clear from this that the punishment for the publisher who knowingly contravenes the provisions of the Press Act is a limited amount of fine and imprisonment not exceeding six months, but in the amendment before us the imprisonment may extend to one year and the fine is unlimited in amount. It will depend upon the discretion of the court. Is there any reason for making a difference between the punishments provided for the publisher of a newspaper in respect of which the security demanded under clauses 7 and 8 has not been deposited and the keeper of a press that prints such a paper? I do not see any reason why a differentiation should be made between them. I think it stands to reason that the punishment provided for both of them should be the same. Clause 25 can be suitably amended to

[Pandit Kunzru]

provide for the punishment of the keeper of a press who knowingly prints a paper which has failed to deposit the security required of it under clause 7 and 8. I admit again that this amendment is better conceived than the clause before us. In the first place, the keeper of the press will be liable to be punished only if he knowingly does a certain act. In the second place, it is the court that will award the punishment and not the executive. If there is to be forfeiture, it will be for a second offence, and that again will be as a result of a legal process, as a result of a judgment given by a court of law. In these respects, the amendment is undoubtedly an improvement on the existing clause, but I fail to see why the Home Minister has provided a heavier punishment for the printer than for the publisher, the case of both of whom is identical.

Pandit Thakur Das Bhargava (Punjab): This amendment to my mind makes the position worse in certain respects than the original clause. When I made my observations on a previous occasion I said this Bill creates new offences and this is one of the new offences created. The point which we mooted yesterday was whether forfeiture was an act of punishment which this House will countenance. Again, forfeiture has come now. Under the Indian Penal Code when a person has to be given enhanced punishment for his committing crimes oftener than once, section 75 applies. Under this section enhanced punishment is only possible in certain cases. Only in respect of two Chapters of the Indian Penal Code enhancement of punishment is possible. That is Chapter XII and Chapter XVII. One relates to stamp, coinage, etc., and the other relates to offences against property. There the law is this:

"Whoever having been convicted by a court....."

Shri Rajagopalachari: Everybody knows that.

Pandit Thakur Das Bhargava: If everybody knew it, then this forfeiture clause would not have come in here. So far as enhanced punishment is concerned, there is nothing in the Indian Penal Code or any other measure which justifies forfeiture. This is the first time in the legislative activity of this country that forfeiture is being provided in respect of ordinary offences as an enhanced form of punishment and I take very strong exception to this.

I submitted yesterday that forfeiture should not have been provided at all, to which a reply was given. I am today in the fortunate position of meeting some of the arguments which were given yesterday in justification of forfeiture. The hon. the Home Minister said yesterday that in case of fine even, the court is competent to attach the property of a person.

Mr. Deputy-Speaker: The House has accepted the principle of forfeiture witb respect to the other matter. Are we to go into the whole matter again?

Shri Rajagopalachari: We should do everything possible to save the time of the House: therefore, nothing is going to be gained by the hon. Member going over the same ground again.

Pandit Thakur Das Bhargava: I am just submitting for your consideration why it is relevant here. Of course if it is your ruling that I should not refer to it, I have nothing to say. I know my duties well.

Mr. Deputy-Speaker: So far as forfeiture as a form of punishment is concerned that was fully discussed while we were considering clause 6. Arguments were adduced that forfeiture as a substantial form of punishment is not proper. The hon. Minister was not prepared to accept it. I do not mean to say that forfeiture is proper in this particular case. That is another matter. But as a general principle I would ask the hon. Member not to embark once again on the question as to whether there ought to be forfeiture at all in this Bill or not. In this praticular case forfeiture may be an excessive punishment.

Pandit Thakur Das Bhargava: I would request you to hear me. When I was submitting for your consideration yesterday that forfeiture is not a proper punishment, Rajaji also accepted it and agreed that it is a barbaric punishment. When two orders are passed against a person by a court and he still does not obey them, it was argued that forfeiture was the only punishment which could be meted out to him.

Mr. Deputy-Speaker: The House has already accepted forfeiture as one of the modes of punishment so far as this Bill is concerned. Let us not, therefore, go back on it. If in this particular case the hon. Member is inclined to think that forfeiture is an excessive or drastic punishment, then he may proceed with his argument.

Pandit Thakur Das Bhargava: I am only considering clause 9 (3). I am not considering the abstract ques-

tion of forfeiture. The question will naturally be whether in relation to this offence forfeiture is a proper punishment or not.

Yesterday we were told that under a particular set of circumstances, when a person behaves in utter disregard of several orders of the court, forfeiture was the only mode of suitable punishment.

Mr. Deputy-Speaker: Therefore, the House has accepted it.

Pandit Thakur Das Bhargava: I know the House has accepted it. But the House has not accepted clause 9 (3). Supposing, Rajaji instead of suggesting this punishment after two offences, had said that the first offence should be meted out with forfeiture, that would not make any difference. On the contrary, I would like to say that Rajaji has been very kind to the keeper of the press, because he has not provided forfeiture for the first time. I have no complaints on this score. Supposing a person does not give the security, what happens? Under sections 107, 108, 109 and 110 his movable property alone can be taken possession of. His immovable property cannot be sold.

Shri Rajagopalachari: We are again going back to the old argument.

Pandit Thakur Das Bhargava: This point was not made by any of the speakers yesterday. I am bound to submit this.

Shri Rajagopalachari: Am I to answer again to yesterday's arguments?

Pandit Thakur Das Bhargava: You need not answer.

Shri Rajagopalachari: Am I to hear you without being able to answer? With due respect to the hon. Member, I may say that I do not mind any amount of arguments, but let there be no repetition.

Pandit Thakur Das Bhargava: I do not know how to answer the hon. the Home Minister.

Mr. Deputy-Speaker: The scope of the debate so far as this particular clause in respect of forfeiture is concerned is very limited. Let us not embark on the general proposition whether forfeiture is right or not under ordinary circumstances.

Pandit Thakur Das Bhargava: I do not wish to enter into the general question of forfeiture at all. I only want to say that forfeiture as a mode of punishment in clause 9 (3) is not a suitable one. As a matter of fact in cognate matters such forfeiture has never been regarded as a good mode of punishment. In the Indian Penal Code. . .

Mr. Deputy-Speaker: The hon. Member is again going into the general question. The whole matter was throughly gone into and the House has come to the conclusion that notwithstanding there being a similar provision in the Indian Penal Code or in the security provisions of the Criminal Procedure Code, forfeiture either by way of prevention or by way of punishment has to be provided in this Bill. Let us not therefore go into the general question as to whether it is proper or not so far as this Bill is concerned. If the hon. Member wants to say that it is possible to distinguish in the matter of forfeiture between clause 6—that is disobedience of the orders under clauses 4 and 5—and this clause, he may make his submissions. Otherwise the time of the House need not be taken over the general proposition.

Pandit Thakur Das Bhargava: So far as I understand, what the House has accepted is this that under clause 6, if a person is ordered to deposit security and does not deposit the security and if he uses the press, it could be forfeited.

Mr. Deputy-Speaker: On the general question of forfeiture books and books were read, chapter and verse were quoted from the hon. Shri Gopalaswami Ayyangar's speech that forfeiture is barbaric, we went over to Assam also, to the refugees also. Under the circumstances the argument about the general question whether forfeiture ought to be used in this Bill or not is only a repetition of what has been said. With all respect I do not think it is proper for me to allow that. If the point is made that with regard to clause 6 the offence is so big as to invite forfeiture but that clause 9 may be distinguished from clause 6 and that notwithstanding the fact that it has been accepted under clause 6 the offence here should be regarded as lighter one. I could have understood it. But the main argument that forfeiture was wrong and that it ought not to be there was stated with reference to clause 6 and disposed of. The only thing that can be argued in considering sub-clause (3) of clause 9 is whether having regard to the nature of the disobedience here we should resort to forfeiture or not. The other things are not relevant here.

Pandit Thakur Das Bhargava: I am very sorry I have not been able to make myself clear. I have accepted that and I have said several times that I am not going into the

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abstract question of forfeiture. I want to say whether in relation to clause 9 (3) this forfeiture is a good remedy. That is the only question before this House.

Mr. Deputy-Speaker: But the hon. Member refers to section 75 of the Penal Code.

Pandit Thakur Das Bhargava: I have to refer to section 75. In this section 75 is very relevant. This offence which is now sought to be introduced in this Bill is an ordinary offence like those under clauses 25 and 26. These are all offences, not in relation to preventive remedy, but substantive offences under this Bill—the offence under clauses 25 and 26 and similarly under this sub-clause. Only, it has been placed here in such a position in which it should not have been placed.

Mr. Deputy-Speaker: Was it not suggested by some hon. Members yesterday, particularly by Pandit Kunzru, that this clause, namely 25, is there and why should there be forfeiture?

Pandit Thakur Das Bhargava: I am not here to answer what Pandit Kunzru said.

Mr. Deputy-Speaker: It is not like that. The point was also before the House.

Pandit Thakur Das Bhargava: I am placing my own submissions before the House, whether it is not proper to take away this provision from here and place it as clause 26A, because it is a substantive offence. In clauses 7, 8 and 9 we are dealing with the case of a publisher alone. So far as the publisher is concerned the first remedy is given in clause 9 that he cannot republish the paper in any other name or in his own name. Then under clause 25 we have got another remedy against him.

Mr. Deputy-Speaker: Let us know the point and then I will allow the arguments. Is it the hon. Member's contention that if a press-keeper, notwithstanding the fact that a newspaper has been declared unlawful because it contains objectionable matter and that its declaration has been cancelled, knowingly prints it and helps its publication again should go scot-free? Does the hon. Member say that forfeiture of the press should not be there on the ground that it is a substantive offence, because punishment is provided for it, and that on the ground that it is not a substantive offennce no forfeiture ought to be there, so that either in the one case or the other he should go scot-free?

Pandit Thakur Das Bhargava: This is a contention which I have not advanced.

Mr. Deputy-Speaker: Then what is it?

Pandit Thakur Das Bhargava: If I am allowed to speak then only can you follow what my contention is, not by intuition. In the first place what I was submitting was a matter so far as the arrangement of the clauses is concerned. I never submitted that a person who publishes an unauthorised paper is not doing a wrongful act. This I never submitted and am not going to submit. According to me, suppose, rightly or wrongly, a court makes an order and a person disobeys it and commits a wrong. Where will it be? I do not say it is not an offence. I say this offence ought not to be placed here, in clause 9. It ought to go along with clauses 25, 26 etc., because there we deal with the substantive offences. Here we are dealing only with the preventive part of the clauses. This is one piece of my argument. I think I have made myself clear.

In regard to the second part of my argument, on the merits of the question I was submitting that I am not satisfied with this provision in so far as, in the first place, it creates new offences and, in the second place, on the second conviction the punishment is quite disproportionate. And I was submitting that in no law such enhanced punishment has been given in respect of ordinary offences of the land. This I am entitled to submit. If you were to provide for a sentence of death here, would I agree to it? My submission is that you ought to consider the merits while seeking to provide for forfeiture of property for a second conviction. This is pertinent, apart from the question whether forfeiture is a proper mode of punishment or not. Under section 75 of the Indian Penal Code the enhanced punishment is provided for very serious offences. You cannot therefore provide for forfeiture here. Why? If you look at clause 25 you will find that the penalty provided is only a fine of Rs. 2,000 . . .

Mr. Deputy-Speaker: It was open even in the first instance to pass an order of forfeiture as was in clause 9 (3) of the Bill. But in accordance with the wishes of the House the hon. Minister has yesterday put off the order of forfeiture to the second

offence, not the first offence. Under the clause as it stands an order of forfeiture can be passed even in respect of the first offence on the keeper of the press if he publishes an unauthorised paper. What he has done is that he has relegated it to the second time. There is no good comparing it with the Penal Code provisions unless the hon. Member wants to say that under no circumstances should security be taken, which matter was argued yesterday.

Pandit Thakur Das Bhargava: May I know whether the hon. the Home Minister will not apply his mind to any of my arguments in future?

Mr. Deputy-Speaker: Not on the general question whether security ought to be taken or not.

Pandit Thakur Das Bhargava: May I submit that after all a Member should be allowed his own way? I know, Sir, that you are capable of meeting each and every argument. I do not doubt your capacity. If at every argument of mine you rise up and say something to defeat it I am in a false position. I can make my submission to the House but I am not in a position to reply to you.

Mr. Deputy-Speaker: The hon. Member very often occupies the chair in my absence. I am just putting it to him if he were here in the chair whether he would allow a repetition of the same thing which has been considered by the House already.

Pandit Thakur Das Bhargava: I am not repeating. I am sorry I have not been able to convince you. It is assumed that I am repeating. You kindly hear me and then come to the conclusion that I am repeating.

I can see your point, Sir,—and it is a very piquant point you have made—that even in respect of the first infliction of penalty forfeiture has been provided for in sub-clause (3). I quite see the force of it. But I was unable to undo it. It is my misfortune and the misfortune of this House that we cannot convince the hon. the Home Minister. But it does not follow that on a subsequent occasion, if he wants to repeat it or do something like it, we should not be able to make an effort and ask him kindly to undo this.

I am very sorry that I have not been able to make myself fully clear. As a matter of fact in regard to penalty even under clause 25 the publisher is punished with a fine of Rs. 2,000 and with imprisonment for a term of six months under sub-clauses (1) and (2). Suppose he gets that punishment for the principal offence. After all, in a preventive section the gravity of the offence is not the same. The gravity of the principal offence is greater than under the preventive section. After all, *daarhi se moonchh barhi nahin ho sakti.* In regard to the principal offence he gets fine of Rs. 2,000. Suppose a court inflicts the entire penalty. What happens? His movable property can be proceeded against in the first instance. Even immovable property in regard to a fine cannot be taken possession of. It will be regarded as a decree under section 386 of the Cr. P. C. and when the decree is going to be executed all his reversioners and all persons who have rights in the property will come up and have something to say in a court of law that this property should not be taken away. After all even my own property can be forfeited, but not my son's or my wife's and certainly not the property of my landlord. It is not the property of this keeper of the press. He has taken on lease and what happens to the property and his rights in lease? He has taken a lease for five years; the rest of his rights may be taken away but that property of a third person cannot be taken away. I am perfectly right in submitting that this section also is opposed to the fundamental provisions of the Constitution, because hereafter the property of any person can be forfeited in that way and it is a very objectionable matter. In all convictions where a fine is inflicted, where security is demanded, it is essentially the movable property which can be proceeded against. In this connection I would draw the attention of the House to sections 514 and 386. of the Cr. P. C. This press as you know is immovable property. According to the definition of the words movable and immovable, this property is immovable. May I ask what has this man done after all? The words in the amendment are "whoever knowingly contravenes". As a matter of fact this amendment has been sprung like a surprise upon me. I have not given full thought to this amendment but when I came to this House at about ten o'clock, this was given to me. What happens to this amendment, Sir?

Shri Rajagopalachari: It is quite clear that you have not given your thought.

Pandit Thakur Das Bhargava: What is this knowledge? Is this knowledge necessary? Yesterday I submitted that this absence of knowledge makes this clause seem

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bad. To that extent there is no doubt that this is an improvement because knowledge is there. I submitted something in regard to the keeper of the press under clause 4 and there the knowledge was not regarded as important. Here I ask how will this knowledge be proved: If I am to amend the clause, I will amend it in this way: "Any keeper of the press who has been ordered not to print or publish any paper". After all the knowledge must be such; it must not be presumed knowledge. Suppose in the Official Gazette a notification appears, will it not be presumed knowledge? It happened under the old British regime when an association was declared unlawful, a notification appeared in the Press and from the next day presuming that every person had come to know of it, people were challaned. This I submit would be better if the knowledge is brought home to the keeper of the press. If the amendment is made: "if a keeper of a press has been ordered not to print or publish any newspaper. . ." then it is different. Then it will be proper to punish the man. After all whether an offence is good or bad is beside the point. At least it would be possible that the man will be disobeying the orders voluntarily in a case of this nature. I do not know what would be the meaning of the word 'knowingly'. If 'knowingly' is taken in the ordinary sense, his knowledge must be proved. If it is taken in a constructive sense as all matters of this kind are usually taken, a notification in the Official Gazette is regarded as presumptive knowledge, but I submit the word 'knowingly' is not sufficient.

Mr. Deputy-Speaker: It is not a question of fact. It is a question of law.

Pandit Thakur Das Bhargava: It is a question of presumption. The Naujawan Sangh and the Congress organizations were hauled up before the magistrates; it was a case of presumptive knowledge. (*Interruption*). In making the amendment, I suggest instead of the word 'knowingly' the words that I stated above must be there.

Mr. Deputy-Speaker: He is not in favour. . .

Pandit Thakur Das Bhargava: I submit that some kind of knowledge must be there.

Shri Rajagopalachari: I suggest that we leave him to finish his argument.

Pandit Thakur Das Bhargava: This side-remark is certainly not pleasant to me that Rajaji is tired of me and that he thinks that I am making arguments which are irrelevant and therefore he has asked you to bear with me. If I have got a right, I do not want his advocacy for me to enable me to be heard. If my argument is considered to be bad, I shall sit down because his wishes are orders for me; he does not realize it; I do not want to do anything which is distasteful to him...

Shri Rajagopalachari: Let me explain. I feel very much pained to see that the rest of the House is deprived of its rights by the hon. Member's taking possession of the House so long.

Pandit Thakur Das Bhargava: Then I understand the position. It means that no Member of the House who wants to say something on this point can speak. The time must be rationed between 300 Members and no Member has the right to be heard as long as he wants to speak. This is a position which I can never accept.

So far as the question of 'knowing' is concerned, I would like that these amendments are made. At the same time I am very much opposed to the second part, because the second part introduces an innovation in the criminal law of my country and I consider it is not just to forfeit the press belonging to another person and of which the keeper may be in possession.

Yesterday I gave some arguments and I am not going to repeat them again. All the same you will realize why I am so much opposed to the question of forfeiture. Yesterday when we were going into this matter of forfeiture, you were pleased to see that Member after Member asked Rajaji kindly to modify the effect of this forfeiture. I would again beg of him to be good enough kindly to note that the whole House is not happy with this question of forfeiture. In a case of this preventive nature and which cannot be punitive, forfeiture is worse. It is not as objectionable perhaps as in the case of a person who has not been proved to have been guilty of any crime. I will go so far and say that it is not so bad, but at the same time, I submit that the hon. Minister should reconsider the position and not pass a law with which most of the Members of this House are not happy.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move

"That the question be now put."

Shri Deshbandhu Gupta (Delhi): I do not think it is fair to move closure now. I am not taking the time of the House. I only wanted to point out one thing. I have never participated in the discussion on these clauses nor have I participated in the consideration stage nor have I any intention to do so now.

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I only want to point out to the hon. Home Minister that this amendment is in respect of a press, which is a new press and the second offence may not be a second offence in respect of the same publication as it is worded today. Here we must differentiate between an offending press as provided in clause 6 and the offending press as provided here. It may be a new press. Of course the word 'knowingly' mitigates the danger, I admit, but the point is that supposing there is an order against a newspaper for forfeiture under clause 4 or 5 and the person cannot go and get his paper printed; he goes to a new press and the press even knowingly prints it for once then he can be convicted and sent to jail. For the second time it may not be in respect of the same publication. Another paper goes to the same press and he prints that paper. Then in that case it will be first offence in the case of that paper and he runs the risk of his press being forfeited. So, I would suggest that if one objectionable publisher persuades this press to print that paper in contravention of the order under clauses 4 and 5, and then for the second time also, the same press does it, there may be some justification for enhanced punishment. But, this is a new press. There is a second thing which should not be ignored by this House. There may be no objectionable matter. It is a technical offence. There may be no objectionable matter in the issue which this press prints. Under clause 6, that he is printing objectionable matter has to be proved; then security has to be demanded; then there is contravention of that order and then arises the question of forfeiture. Here, the question of objectionable matter may not arise at all. It is, at the worst a technical offence, because, it is a new press and it has never indulged in printing any objectionable matter. For the simple reason that he prints for a publisher who has been prohibited, it is an offence. Here he comes and persuades the press, "look here, there is no objectionable matter; why do you not print?" He is somehow taken away from the job-work point of view and thinks, "where is the offence? It is harmless matter that I am printing". He prints harmless matter; there is nothing objectionable in terms of clause 3 of this Bill. If that matter is printed, surely, the punishment provided may not be in proportion to the offence. Therefore, I would like the hon. Minister to take note of this fact. If this argument appeals to him, let him at least define that if he commits the offence in respect of the same publication; if he repeats the offence in respect of the same publication, then, of course one can think that this press is perverse, he is not satisfied with one year's imprisonment, he still persists and therefore there should be something more. But, here, it may be in respect of a new press. There may be no objectionable matter. The element of objectionable matter is not there. That being so, I think that to provide for forfeiture is perhaps out of all proportion. I am only making a suggestion; I am not making any amendment. It just struck me that I may point it out and be helpful to the hon. Home Minister.

Shri M. P. Mishra (Bihar): While I welcome this new amendment, which, in my opinion, goes a long way to mitigate the horrors of forfeiture, I would like to know and urge on the hon. Home Minister why this same amendment should not have been introduced—even now, it is not too late—with regard to clause 6 (2). In my opinion, the offences under clauses 6 (2) and 9 (3) are more or less the same. They are not so severe offences. Let us analyse. Under clause 6 (2), there is a press.

Mr. Deputy-Speaker: That is another matter. We have finished clause 6 (2).

Shri M. P. Mishra: But, it may be re-opened by the hon. Home Minister with your permission. Because, I feel that the offences are more or less the same.

Mr. Deputy-Speaker: I am sorry, it cannot be re-opened now at this stage. I do not know what will happen if hon. Members, practically unanimously are prepared to say that Then, I shall find out if there is a device. At present, I do not think it can be re-opened at all. The hon. Member will confine himself to this amendment relating to clause 9 (3).

Shri M. P. Mishra: I would like to point out that there are three clauses here in which there is provision for forfeiture. They are clauses 6, 9 and 14. In my speech yesterday, I submitted that the offences under clauses 6 and 9 were more or less similar. The offence under clause 14 was. . . .

Shri Rajagopalachari: I take it that the hon. Member follows the proceedings very keenly and rightly. Why should we go back to clause 6. He has made the suggestion to me. If it is a question of re-opening the whole thing, he need not argue that case in the course of this clause.

Shri M. P. Mishra: I have nothing more to suggest except to submit that the punishment of imprisonment should be six months and not one year.

Shri Lakshmanan (Travancore-Cochin): I do not wish to repeat the arguments addressed by the hon. Members who have spoken before me. I am one of those who not only not challenged the forfeiture provision contained in clause 6 (2), but also wanted to make it more rigorous by adding a provision for calling upon the keeper of the press to deposit such further amount as must have been spent by the Government for the safe custody of the press. But I cannot agree to the forfeiture that is prescribed in clause 9, sub-clause (3), because it is not in keeping with the scheme of the rest of the Bill. Under sub-clause (3) of the clause, the printer whose press is liable to be forfeited is not the person who has been called upon to deposit the security for printing any objectionable matter. His only offence is that he prints for a man who has defaulted to pay security under clauses 6 and 7. And, he does not print any objectionable matter. Therefore, it is I say that to call upon a man to forfeit, whose only offence is to print—maybe not any objectionable matter—for a person who has defaulted in payment of security, is surely unconscionable. It can be argued that by printing for such a man, he commits an offence. But, I submit there is provision under clause 25, sub-clause (2), for dealing with such cases. There is an amendment of mine to clause 25, sub-clause (2), by which I want to substitute the word "publishes" where it occurs for the second time, with the word "prints". That would remedy matters. What the hon. Minister now wants by his present amendment can be covered by the substitution of the word 'publishes' with the word 'prints' in sub-clause (2) of clause 25.

There is another difficulty with regard to the present amendment moved by the hon. Home Minister. In clause 6 (2), the keeper of the press is given the right of trial by a sessions judge. Here, a magistrate tries him and orders forfeiture. Under clause 6 (2), he is given the benefit of a trial by a session judge. It is only on his not depositing the security that forfeiture arises. For the same kind of offence, one man is given the right to be tried by a sessions judge and another man is only given the right to be tried by a magistrate, and then he is proceeded with for forfeiture. Therefore, on that ground also, the hon. Minister's amendment is not in keeping with the scheme of the Bill. The purpose which he wants to achieve could be done by amending sub-clause (2) of clause 25 in the way I have suggested.

Shri Rajagopalachari: I am sorry to have to say, first of all, in dealing with the hon. Member who spoke last, that, though he has given considerable attention to the matter, he must recognise that I have also done it and I venture to say that he has not given as much thought as he should have given to the facts that he has analysed. Clause 25 cannot cover this case at all. Clause 25 would cover some cases other than, and some cases alongside of the previous provisions. For instance, he referred to sub-clause (2) of clause 25. The sub-clause says:

> "Whoever publishes any newspaper or news-sheet without making a deposit as required under section 7 or section 8 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall be punishable with fine. . . "

That covers cases of one class. It cannot cover a case which is intended to be covered here at all unless we put in two or three entirely different things in the same clause creating some amount of confusion. Here, we are dealing with a class of cases which may be technically described like this: Here is an order which has been passed against the publisher of a newspaper after full and elaborate enquiry provided in this Bill. He does not own his own press. We are dealing with other presses which may accommodate him. We must have a sanction, behind the order passed against a publisher and the publisher has no press to be forfeited. But he gets the paper printed elsewhere. What shall we do with that

situation? Shall we allow the law to be frustrated? That is the question to be considered now. This clause seeks to provide the case of a press against which no proceedings have been taken before, without any question of objectionable matter being gone into. It is not a case of objectionable matter at all. Let us take that the *Times of India* is under an order and the publisher of the *Times of India* is ordered to furnish security. He does not pay the security and not only that, but he goes to some other press in Bombay and gets his paper printed, not that particular issue with the objectionable matter, but the next day's issue and the next day's and so on. Shall we allow it to go on? It would make the court impotent. Therefore, it is necessary to provide generally, just as in the case of stolen property that it should not be received by anybody. This is parallel to that. No press shall publish a paper which is under ban, so to say, for want of or for failure to obey the court's order to deposit the security.

Yesterday, it was argued that forfeiture was not a right thing and I realised the substance of the objection. So I say he shall only be punished with imprisonment or fine or both who accommodates a publisher under ban. He will be tried as for a criminal offence, that is to say, it should be shown that he knowingly committed that offence. If he does that, then he is subjected to the punishment that I have enunciated in this clause.

I cannot accept the argument that it should be lumped with clause 25 (2), if only for the reason that we have not reached clause 25; and we will have to consider the scope of that separately. Let it be provided here, there is no harm. It does not matter where it is provided, if the provision itself is the right one.

Shri Deshbandhu Gupta rightly pointed out that if we provide for the second and subsequent offences, we should provide for the specific identity of the first and second offence. I am prepared to accept the argument. But I must explain that the keeper of the press is the man responsible for the press. Should he knowingly contravene the provisions of sub-clause (2)? I do not think any more specific words can be put in than to say that before the man can be convicted, the necessary criminal intention has to be proved. He should know that he is contravening the provisions of sub-clause (2), and he does it with reference to the publisher of a paper such as is described in sub-clause (2). When this is proved, he is subjected to the punishment.

Then the question is, suppose he repeats it. It is not as in a case under section 75 of the Penal Code where a thief commits a theft again. There you have to deal with a criminal mind, with a particular type of man. But here you have to deal with a man who wants to frustrate the law, disobey the order of the court. What shall we do in such a case, is the question. As in the case of a nuisance, it is a continuing offence. The particular act amounts to an offence and he does it on the 1st of January, on the 2nd of January and the 3rd, in his daily paper. Are we to try him over and over again each day and for each offence? That would be not only embarrassing to the court and to the Government, but it would be meaningless if you look at it from the commonsense point of view. It is a continuing crime that he commits. We cannot in the law, provide for a continuing offence separately. So we have provided for the second and subsequent offences as we have done. Wherever the court feels that it is not a casual thing, unknowingly done, but a knowing, deliberate frustration of the order of the court, it is provided that he shall be dealt with in a particular manner. The court has full jurisdiction to consider the question. So where the keeper is convicted for a second time under. . .

Shri Deshbandhu Gupta: But where. . .

Shri Rajagopalachari: I am not dropping the amendment. It is only a question of putting it in a proper form. For a second time when he is convicted, "the court may also direct" which means that the discretion is given to the Court to consider the perversity of the case and the pertinacity of the case. It is not like section 75 of the Penal Code at all. It is quite a different matter. It is rather analogous to what Pandit Bhargava generally refers to. Pandit Thakur Das Bhargava is pleased to go back in every matter to property. His sense of property is so keen that he thinks that an offence is committed by the court when it attaches a man's property. He thinks it is actually an offence on the part of the Government. He hates nothing so much as forfeiture of property. I can understand his objection to the forfeiture of property, if it is additional punishment inflicted in cases of murder and the like. But here is a man who frustrates the law continually. How shall we deal with

[Shri Rajagopalachari]

him? Is there any constructive suggestion? He says: "Drop the clause". I say, no, we cannot do that. It is more analogous to the confiscation of the weapon with which a man is killed in the case of a murder. It is not as if the weapon has done anything. But we must take away the weapon from the man's hand. Here is a press which is a live weapon. Mr. Deshbandhu Gupta makes me think of another matter. If a man sets up a press for accommodating these people—he accommodates one today, and another paper tomorrow and so on—something analogous to prostitution. In such a case we must deal with it satisfactorily. I do not wish to deal with it just now, but his objection revealed to me the possibility of such a thing happening. We know however good or clever the law may be, there are clever people trying to get round it. When we pass one law, the criminals pass another law in their minds. But that will come up in due course, not just now, and I shall see how it can be dealt with, if at all I have to attend to such things.

Now, it is not forfeiture—this taking away of the weapon with which a man frustrates the law. That is to be done only when he is guilty of repetition of the offence and the court feels that he should be dealt with in such a manner. I should be prepared rather to accept Pandit Kunzru's appreciation of the amendment than Pandit Bhargava's total denial that there is anything good in this amendment. With all my respect for Pandit Thakur Das Bhargava, I submit that he has developed a sacred sense of property, such as he has for the cow. And he seems to think that the press is a cow which has committed a fault, but why should we kill it? That seems to be his feeling. A man has committed the fault and not the cow. Of course, I appreciate the approach, but that is not something which can suitably be applied to people who publish objectionable matters of this kind.

I submit that it is not a technincal offence. It is a very wilful attempt to frustrate the law which cannot be permitted and so should be punished.

I appreciate Pandit Kunzru's argument that there should be no disparity of punishments between the two. I would rather prefer putting the punishment provided in clause 9 (3) into clause 25 than put it the other way. Here is a case which is definitely provided for under the scheme of clause 9 and we need not deal with it in a different way. One year is not too much. It is only a matter of "up to one year." It may be a news-sheet printed in a job press, it will be dealt with accordingly or it may be the *Indian News Chronicle* of my hon. friend Shri Deshbandhu Gupta and he may get it printed in a press owned by his son-in-law—quite a different press. It depends upon the facts of the case. Therefore I say allowing the period to extend to one year is not too much. I am quite willing to add in the amendment the words "in respect of the same newspaper or news-sheet". I am quite willing to do that. I do not mean to deal with prostitution just now, but let me deal with limited adultery.

In respect of the same newspaper or news-sheet the court may also direct that the press or any part thereof shall be forfeited to Government. Hon. Members will kindly appreciate that this thing being in the clause will prevent a man from committing the offence. A serious punishment which is put in the hands of the court, alternatively or in addition, where discretion is left to the court, has a deterrent effect and deters people from committing the offence. Otherwise we shall have to prosecute the man for each day of offence and if he committed for seven consecutive days, he should be prosecuted seven times. Let hon. Members remember that the second commission of offence will not bring him under the second clause. He should have to be first convicted for the offence. That takes some time and if Pandit Bhargava or Mr. Kapoor were to argue the case, it will take two years. I submit that this amendment is reasonable and moderate in its composition and should be accepted by the House. There is nothing else for me to say.

Shri Nazirudddin Ahmad (West Bengal): It is a kind cruelty. I would suggest the words "second or subsequent conviction" to be inserted in the amendment, in its final form.

Shri Rajagopalachari: That can be added, Sir.

Mr. Deputy-Speaker: I will put the amendment with the addition of the words agreed to by the hon. Minister.

The question is:

For sub-clause (3) of clause 9, substitute:

> "(3) The keeper of any press who knowingly contravenes the provisions of sub-section (2) shall be punishable with imprisonment

for a term which may extend to one year, or with fine, or with both, and where such keeper is convicted for a second or subsequent contravention under this sub-section in respect of the same newspaper or news-sheet, the court may also direct that the press or any part thereof shall be forfeited to Government."

The motion was adopted.

Mr. Deputy-Speaker: The amendment in the name of Pandit Thakur Das Bhargava has already been put to the House yesterday and carried. So I will now put the question relating to the clause as amended.

The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

New clause 9A

Shri Rajagopalachari: Sir, I wish to draw your attention to this. The mere fact that an amendment is proposed in the form of a new clause would not save it from being out of order. This amendment proposes amendments to clauses 4, 5, 7 and 8 which have already been passed.

Mr. Deputy-Speaker: I do not want to rule it out.

Pandit Thakur Das Bhargava: As a matter of fact he himself told me that it would be taken up subsequently, when we were considering whether the court could enhance the amount when the Government itself fixes it.

Shri Rajagopalachari: That of course I would have accepted but he wants to say that it shall not be excessive. It means a substantial amendment to previous clauses although he tries to put it in as a separate clause.

Mr. Deputy-Speaker: There was no particular amendment which says that it should not be excessive.

Shri Rajagopalachari: I accept the amendment.

Pandit Thakur Das Bhargava: I am very glad—but I have to submit only one word.

Mr. Deputy-Speaker: Why? There is nothing out of the way here. I find a similar section in the Penal Code.

Pandit Thakur Das Bhargava: I have copied section 118 of the Criminal Procedure Code.

Mr. Deputy-Speaker: And the hon. Minister accepts it.

Shri Nazirudding Ahmad: We have a right to understand it, Sir. The mover and the hon. Minister are too intelligent for us. We have to understand what it is.

Mr. Deputy-Speaker: The hon. Member is so alert he does not require any explanation.

Shri Rajagopalachari: Nobody in the House understands anything more quickly or better than my hon. friend.

Amendment made:

After clause 9, insert:

"9A. The amount of security, required to be deposited by the keeper of a press or the publisher of any newspaper or news-sheet under section 4 or section 5 or section 7 or section 8, shall be fixed with due regard to the circumstances of the case and shall not be excessive, and shall, in no case, be larger than the amount specified in the complaint under section 15."

—[*Pandit Thakur Das Bhargava*]

Pandit Thakur Das Bhargava: I have given notice of another amendment which is for a new clause 9B.

Mr. Deputy-Speaker: I have not got the notice.

Pandit Thakur Das Bhargava: I gave notice of it at about 9-15 in the House today. I would not insist upon an amendment of that kind notice of which has been given so late, but it is only because today Rajaji has accepted my humble proposition that so far as "offence" is concerned, in all these matters it is the knowledge which has to be proved.

Shri Rajagopalachari: I do not accept the amendment—I have not seen it, but I do not accept it without notice.

Pandit Thakur Das Bhargava: The amendment will be circulated. It has been occasioned by this new amendment which has been accepted. I may be allowed to move it later, Sir.

Mr. Deputy-Speaker: I cannot promise in advance. When an amendment to sub-clause (3) was tabled, if any hon. Member felt he was taken by surprise he could have drawn my attention to it: I would have looked into it and disposed of it then and there. Now to say that on account of that he would introduce a new clause, while it could have been done as an amendment to an amendment on that occasion.....

Pandit Thakur Das Bhargava: It is not an amendment to an amendment.

Shri Rajagopalachari: I can guess what is coming. I strongly oppose receiving notice of that.

Mr. Deputy-Speaker: Is it necessary that it should be brought in here or can it be brought in anywhere else?

Pandit Thakur Das Bhargava: It can be brought in elsewhere also.

Shri Rajagopalachari: I will explain it as I understand it. Since you have permitted that a new clause like this could be introduced which could cover the substance of previous clauses with regard to punishment, but which was not opposed to and was a repetition of general principles, I accepted it at once. But if the hon. Member wants to introduce any new principle in any new clause to cover all previous clauses, I cannot accept it. It will be a substantial amendment.

Mr. Deputy-Speaker: The general principle I am adopting is that I will not waive notice unless Government also accepts notice, or the sponsor of the Bill accepts it.

Pandit Thakur Das Bhargava: What will happen to Government amendments coming at the nick of time?

Mr. Deputy-Speaker: Even as regards Government amendments, if hon. Members are not prepared to accept notice I will not accept it. I thought if Government, which commands a majority in the House, is agreeable to a particular course it will be agreeable to other hon. Members. I thought Government are trying to refrain from introducing an amendment, or introduce an amendment in keeping with the suggestion which has been made on this side of the House.

Clause 10.—(*Power of Government, etc.*)

Shri Bhatt (Bombay): I beg to move:

In clause 10, omit "or other principal law officer".

Shri Meeran (Madras): I beg to move:

In clause 10 omit "or other principal law officer of the State or of the Attorney-General".

Pandit Thakur Das Bhargava: I beg to move:

In clause 10, after "objectionable matter" insert "as defined in parts (i), (ii), (iii), (iv) and (vi) of section 3".

Shri Rathnaswamy (Madras): I beg to move:

(i) To clause 10, add the Proviso:

"Provided that if the publications so forfeited do not contain objectionable matter, adequate compensation may be paid to the owners of such publications which will go out of date".

(ii) To clause 10, add the proviso:

"Provided that the State Government pays adequate sum of money as compensation equivalent to the amount spent in publishing the forfeited newspaper, newssheet, book or any other document as the case may be."

Shri R. K. Chaudhuri (Assam): I had an amendment—I cannot find it here. It was about the deletion of the words "or other principal law officer of the State".

Mr. Deputy-Speaker: It is there. Shri Bhatt's amendment is also to the same effect.

Is it necessary to have a debate on these matters? Let me first hear the Home Minister regarding all these amendments.

Shri Rajagopalachari: One set of amendments refers to the officer who should give the certificate. A certificate given by the Advocate-General would refer to the case of States where there are Advocates-General; a certificate given by the Attorney-General would apply in the all-India sense. Then, "other principal law officer" would apply to States where there are no Advocates-General. That is the meaning of the words that I have used. If "or other principal law officer" be omitted, it would read thus: "certificate of the Advocate-General of the State". That would mean that every State must have an Advocate-General and even though there is no Advocate-General there, under the Press Bill we will have to compel them to appoint an Advocate-General or to lose this right to act under clause 10. I submit that would not be right. That is why I submit this wording should be there as it is.

Shri Bhatt: Under the Constitution every State must have an Advocate-General.

Shri Rajagopalachari: That would mean that all these States should necessarily have Advocates-General.

Shri Bhatt: They will have provision.

Shri Rajagopalachari: In course of time they will have. Where they do not have, the person who officiates as the Advocate-General would be the officer under this clause. I do not think there is any great point in this.

Shri Nasiruddin Ahmad: I think this can be clarified if you say "Advocate-General or other principal law officer, as the case may be, of the State, or the Attorney-General of India."

Shri Rajagopalachari: It can be put that way. I agree to it.

As regards Mr. Ahmad Meeran's amendment, he wants to delete 'or other principal law officer of the State or the Attorney-General'. That would mean that only the State Government could operate in these matters and the Government of India can take no notice, which I think is not right. I would like all States to consult the Government of India in respect of these matters, instead of making the procedure ununiform. I submit these three amendments may not be pressed.

Shri Meeran: The clause itself says 'The States may...'

Shri Rajagopalachari: In matters of law and order of this kind, although the State Government has to take the proceedings, yet sometimes it would be better that they take the advice even of the Attorney-General of India. If the Attorney-General wants a particular case to be proceeded against, he must have the authority.

Shri Bhatt: And then there are Centrally administered areas.

Shri Rajagopalachari: That is also true, but apart from that it would be useful.

Taking Mr. Rathnaswamy's amendments, he probably thinks that a large amount of money has been spent in printing the book or booklet and if a part of it has become objectionable he wants the burden put on Government to pay compensation.

Mr. Deputy-Speaker: On the other hand, he wants that if it is discovered that there is no objectionable matter and it has been wrongly seized, he wants compensation to be paid. He wants not only return of the press but compensation.

Shri Rathnaswamy: That is correct, Sir.

Mr. Deputy-Speaker: We will assume that ultimately the court comes to the conclusion.....

Shri Rajagopalachari: Which court?

Mr. Deputy-Speaker: Any ultimate authority.

Shri Rajagopalachari: I agree, but even if his amendment is analysed from that point of view, it has to be altered to make it clear. Otherwise, it would appear that he has a right to come and claim that it contains no objectionable matter and then submit evidence about it.

Mr. Deputy-Speaker: We will assume that under clause 23 it is declared by competent authority that there is no objectionable matter, then compensation should be given. That is his point.

Shri Rajagopalachari: I cannot say his amendment is improper. But it is going a little too far. After all, Government too has some rights and it has to take some steps. Sometimes the court may not find it good enough, but that is different. And then, if I may say so, the ordinary law provides damages in such cases. Any man who suffers a loss can claim damages.

Shri Bhatt: Clause 23 says 'and may pass such consequential or incidental orders'.

Shri Rajagopalachari: Quite right. He may claim it there.

Mr. Deputy-Speaker: In all these cases, it has to be found out whether it is done in good faith or bad faith. If a Government servant does something in good faith, nothing can be done. Only if he does it in bad faith, can compensation be paid under the ordinary law.

Shri Rajagopalachari: In any case, as pointed out by Mr. Bhatt, there are the words "pass such consequential or incidental order". The High Court has full powers to deal with it. Clause 23 covers clause 10 also.

Mr. Deputy-Speaker: I am not sure about that.

Now, so far as the first set of amendments is concerned, that is, "or other principal law officer", what is it that has been agreed to?

Shri Rajagopalachari: I accept Mr. Naziruddin's suggestion and we can say now, "The State Government may on the certificate of the Advocate-General or other principal law officer of the State, as the case may be..."

Mr. Deputy-Speaker: I remember to have read in the definition or explanation portion of the Indian Penal Code or Criminal Procedure Code that Advocate-General definitely means any principal law officer.

Shri Rajagopalachari: Even if it is there, it may not apply to this law.

Mr. Deputy-Speaker: Yes, there is no guarantee that that definition will apply here. Therefore, to be on the safe side, it is better to put it in the form now suggested.

श्री भट्ट : माननीय उपाध्यक्ष जी, पार्ट सी स्टेट्स के बारे में गृह मंत्री जी जो बोल रहे हैं उस के बारे में कुछ मुश्किल है । पार्ट बी स्टेट्स में जो हाई कोर्ट इस वक्त हैं उस हाई कोर्ट के नीचे और उस

[श्री भट्ट]

के साथ एक ऐडवोकेट जनरल तो रहता ही है । तो उस ऐडवोकेट जनरल की सलाह से जो साहित्य आपत्तिजनक माना जायेगा वह आपत्तिजनक होगा ।

[**Shri Bhatt:** Sir, there is some difficulty about what the hon. Home Minister is saying in connection with the Part C States. Attached to the High Courts which are functioning at present in Part C States, there is an Advocate-General in consultation with whom the question whether any literature is objectionable or not would be determined.]

Shri Rajagopalachari: Whoever is acting for and doing the functions of the Advocate-General would be the person referred to here.

Mr. Deputy-Speaker: The Advocate-General is the principal legal adviser of the State. It is not necessary he should be attached to a High Court. It is open to more than one State to have one Advocate-General.

श्री भट्ट : जिस जिस स्टेट में हाई कोर्ट होगा, वहां ऐडवोकेट जनरल तो होगा ही ।

[**Shri Bhatt:** Whichever State has a High Court has also an Advocate-General.]

Mr. Deputy-Speaker: It is unnecessary. He is the principal legal adviser of the State. Therefore, it is a very small matter. Let us be as careful as possible.

Prof. K. K. Bhattacharya (Uttar Pradesh): "Or other principal law officer" may mean the Legal Remembrancer or the Deputy Legal Remembrancer or the Government Advocate. That is the result by having "other". I would suggest that you omit "other". The Legal Remembrancer and the Deputy Legal Remembrancer are members of the executive of the State. Will you allow them to forfeit books or pamphlets?

Shri Rajagopalachari: He is not inferior to the Advocate-General of the State in position.

Mr. Deputy-Speaker: We are entering into another matter.

Prof. K. K. Bhattacharya: I want clarification. Supposing the Advocate-General is ill or has taken leave. There is a Standing Senior Counsel or Junior Standing Counsel or Government Advocate. Will it not be open to the State Government to take the advice of the Senior Standing Counsel or the Government Advocate?

Shri J. R. Kapoor (Uttar Pradesh): With the omission of "other" that question would not arise.

Shri Rajagopalachari: In the same State there may be a Senior Standing Counsel and Junior Standing Counsel. There is no need to go to them, because the Advocate-General is there. We are dealing with States where there is no Advocate-General. There, the principal law officer of the State will take the responsibility of the Advocate-General.

Prof. K. K. Bhattacharya: Will you include in the category of "law officers" the Legal Remembrancer? If that is so, then I have an objection.

Mr. Deputy-Speaker: It is a matter which is left to the State Governments. Even a district munsiff is a law officer.

Prof. K. K. Bhattacharya: Then I should object to it.

Mr. Deputy-Speaker: It is not merely for the purpose of this Bill that State Governments have to keep law officers. States have to lodge suits or to defend suits. They are not going to appoint special law officers for the administration of this Act.

Shri Meeran: Is the word Attorney-General omitted?

Shri Rajagopalachari: Sometimes the Attorney-General's opinion may be necessary and useful also.

Shri Meeran: I am not against it. But putting it one or the other may lead to confusion. I can understand "The Advocate-General or the principal law officer, as the case may be". But I cannot understand two people being asked to give a certificate in a matter. Supposing one gives one opinion and the other an entirely different one?

Shri Rajagopalachari: Surely when two lawyers differ, they come to an understanding finally.

Shri Meeran: I can understand our using "the Attorney-General in the case of the Union Government," so that one will be disjunctive, will not be overlapping on the other."

I am just visualising a case where an Advocate-General refuses to give a certificate and the "Principal law officer" gives a certificate. After all in all these matters when you provide for a certificate, it must be entrusted to one man.

Shri Rajagopalachari: I can certainly convince him if we had the time. It is just possible that there are a large number of copies of a book and the Union Government gets notice of it. The thing has to be stopped at once. The Attorney-General's opinion is the basis on which Central Government gives advice to the State Governments concerned, because in matters of law and order, it is the State Governments which have to act. They cannot go to two or three Advocates-General and ask whether they confirm the opinion of the Attorney-General. The certificate of the Attorney-General of India should be enough.

Shri R. K. Chaudhuri: Our intention has been misunderstood. We want to make it perfectly clear that where there is an Advocate-General it is the Advocate-General and he alone who will give the advice. In a State where there is no Advocate-General the principal law officer may give the advice.

Shri Rajagopalachari: I shall give a practical example. Suppose some books come from Pakistan, Russia or Switzerland and we find that immediate action should be taken on the certificate of the Attorney-General of India. The Government of India can take action. What action have they to take? The book may be found in Madras; it may be found in Bombay or anywhere and you must ask the State Governments to take action. Their operation should have legal basis, in case it were to be taken to the High Court. The certificate of the Attorney-General of India should be enough for that purpose.

Mr. Deputy-Speaker: So, I shall put the amendments to the House.

The question is:

In clause 10, for "other principal law officer" substitute "the principal law officer, as the case may be".

The motion was adopted.

Mr. Deputy-Speaker: Does any hon. Member wish to press his amendment?

Shri Bhatt: I do not press my amendment.

Shri Meeran: Nor do I, Sir.

Shri Rathnaswamy: I also do not press my amendments.

Pandit Thakur Das Bhargava: My main objection is to the clause as a whole. Since the objectionable portions have already been taken away I do not wish to press my amendment. But I want to speak that the whole clause be omitted.

Prof. K. K. Bhattacharya: I would content myself with one or two observations. I do not want that there should be such a clause in this Bill. Why? Because you are entrusting the very important work of finding objectionable matter to the Attorney-General or the Advocate-General of the province. Supposing, about 2,000 copies of a book have been printed. On the solitary opinion of the Attorney-General or Advocate-General will the fate of all these copies depend? Without giving an opportunity to the author or printer to explain, the whole lot of them could be forfeited. Such a drastic step should not be taken on the advice of a single individual, however exalted he may be. I do not mean to say that the law officers are incompetent. Here you find that an author might have published copies of a book running into ten thousand. By one stroke of pen all of them may be declared forfeited and the man cannot safeguard his position except when he comes in appeal before the High Court against the orders of forfeiture. Of course under clause 23 he can advance his grounds, but in the meantime he would have suffered a loss. Suppose for two or three months or for four months the matter is not taken up and the High Court, on account of pressure of work, is not in a position to take it up. In the meantime he suffers a loss. Therefore, I do want that this clause 10 should be deleted and I appeal to the hon. the Home Minister to see to the reasonableness of the request I am making that clause 10, being drastic, may not be embodied in the Bill.

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Shri R. K. Chaudhuri: The hon. the Home Minister will excuse me when I say that I consider it rather inappropriate that the hon. Minister should take advantage of the great personal regard which individual Members have for him and carry everything according to his own likes and wishes.

Mr. Deputy-Speaker: I would like to avoid all these. We are thirsting for time. Therefore, he need not refer to all these things. The hon. Minister has been very reasonable. Where they do not agree with each other, they do not agree. That is all. Nobody displeases the other. Both the hon. Minister and hon. Members are discharging a very wholesome duty.

Shri Rajagopalachari: If the point is indicated in a word it would be enough.

Shri R. K. Chaudhuri: Does it mean that the House has no personal regard for him and that I should withdraw what I said? If that is so I shall most unhesitatingly withdraw...

Mr. Deputy-Speaker: Each word that is pronounced with respect to such matters which are not germane to the clause or the amendments takes away so much of our time.

Shri R. K. Chaudhuri: I would like to make an appeal to the House to take the amendments as they stand and to go into the merits of the case. I know that it is very difficult for us to resist any advice which the hon. the Home Minister may give, at a time when he is going out of the political life altogether, particularly when he has no axe to grind and does not want to rule the country by the aid of the Press law. It, therefore, becomes difficult for us to resist his advice. I am in that predicament.

Mr. Deputy-Speaker: Resist the temptation of referring to it.

Shri R. K. Chaudhuri: My point is this. Are we going to abide entirely by the advice of the Advocate-General or the Attorney-General or whoever he may be? Is his word final? Whether he reads those books or not, whether he merely skips over them, just reads some passages and gives some advice, is that final? Under this I think the State Government has no option to reject his advice and say "Do not proscribe these books". That is a dangerous thing.

Mr. Deputy-Speaker: They are not bound to accept the advice of the Advocate-General. The ultimate authority which decides is the Government. Against their decision an appeal to the High Court for release of those books that have been seized, always lies.

Shri R. K. Chaudhuri: Here again so far as the jurisdiction of the High Court is concerned, the jurisdiction is exercised by the High Court under clauses 22 and 23 in two ways. One is in appeal and the other is by application. I am really at a loss to know why there should be a distinction—why there should be an appeal in certain matters and why there should be an application in certain matters.

Mr. Deputy-Speaker: When we come to those clauses the hon. Member's experience will certainly be useful, not under clause 10.

Shri R. K. Chaudhuri: The point is when an appeal is filed, the High Court is competent to go into the facts of the case and to come to a conclusion on merits whether the order was right or wrong, but when an application is prescribed the Hight Court is not competent...

Shri Rajagopalachari: The hon. Member need not take my advice but he might take at least information. It is this that the entire distinction is removed in the present Bill. The High Court is entitled to go into every matter, both appeal and application. The appeal is applicable when there is a court below and application where there is no court below.

Mr. Deputy-Speaker: Cannot these arguments be reserved when we come to the provisions relating to application or appeal?

Pandit Thakur Das Bhargava: The powers of the High Courts have been very much enhanced now.

Prof. K. K. Bhattacharya: May I request the hon. the Home Minister to withdraw one word, namely "book" from the purview of this clause?

Shri Rajagopalachari: I have got the point.

Shri R. K. Chaudhuri: That is what I was going to say. On the printing of books a lot of money and a lot of time is spent.

Shri Rajagopalachari: Do not print!

Shri R. K. Chaudhuri: If by hasty action on the part of the Advocate-General or the law officer or the Attorney-General the books are proscribed and forfeited then it will mean a serious and grievous loss to the author of the book.

Shri Naziruddin Ahmad: I have objection to this clause on account of a fundamental reason. An Advocate-General, however eminent he might be in intellectual powers, has a peculiar mental make-up—not merely an Advocate-General but any lawyer who has to appear for a side has a peculiar mental make-up—and I believe the Home Minister will recall his younger days when he had to appear on behalf of any party. The function or the excellence of a lawyer depends upon his one-sidedness. He has to say a great deal of idealistic things...

Shri Rajagopalachari: Not when I am asked for impartial advice.

Shri Naziruddin Ahmad: I believe that the opinion of the Advocate-General may be due to superficial considerations. It may be due to his personal likes or dislikes with regard to certain kinds of literature. So to hang the fate of a book upon his certificate which may follow after a five minutes' consultation with some Government officials will be extremely hard. The real solution for the problem would have been that on the opinion of the Advocate-General the matter should be placed before a Judge who is accustomed to consider things on a judi-

cial consideration and on the opinion of the Judge the book may be forfeited. But an application or an appeal is a different matter altogether. When a decision is already taken, the question from an appellate court's point of view would be whether the decision is wrong. They will take the decision of a court below them as right until it is shown to be wrong. So the approach would be entirely different. I submit that the important consequences to an author or publisher or a dealer should not depend upon the certificate of the Advocate-General which may not have been given with sufficient care and attention.

Pandit Thakur Das Bhargava: When I submit that this clause 10 should be omitted it is entirely on different grounds from those which have been advanced by my hon. friends. In regard to the arguments of my hon. friends I have only to submit one word. The words are: "On the certificate of the Advocate-General.....the State Government may" do this. As you have been pleased to point out, Government is not bound to accept any certificate. That is true. It is the action of the Government, and Government accepts full responsibility. At the same time, when the words are there "on the certificate of the Advocate-General...the Government may..." it really to a certain extent lessens the responsibility of the Government. As soon as such a certificate comes the Government feels armed and does not look at the matter with the same responsibility as it would look if the provision was not there. Today, if these words were not there, the Government there might pretend to take the advice of any Advocate-General and then act. These words do not make it incumbent on the Government to take the advice, but at the same time it is not obligatory. Now the Government cannot proceed except on the certificate. This is the difficulty. Therefore, I would have rather liked, now that the State Governments are popular Governments, that no such obligation was placed upon them and they were quite within their rights, as responsible Governments to take the advice of such law officers and then proceed. But my objection to this clause proceeds from a different source.

Shri Rajagopalachari: If I amend it as suggested by Pandit Thakur Das Bhargava, would it be acceptable to him?

Pandit Thakur Das Bhargava: Certainly, Sir. If he accepts as suggested by me, it will be very much acceptable to me. I am going to make other suggestions just now.

Shri Nasiruddin Ahmad: He is literally crying hoarse over the matter. We are all crying hoarse like him.

Pandit Thakur Das Bhargava: Only intellectually. I am crying hoarse physically also.

In other countries the procedure is a bit different. Our hon. Minister was pleased to tell us something about Sweden when he was speaking on the consideration motion. Now in Sweden and France, the law is a bit different. It is the Government which orders the seizure and after the seizure the matter is brought before the Chancellor of Justice and after he says that the thing is objectionable, then the confiscation order is made. I am reading from the Constitution Act of Sweden relating to the freedom of the Press dated the 23rd March 1949; article 4 runs as follows:

> "When the head of the Ministry of Justice has ordered a seizure or confirmed a seizure order issued by a representative, the printed matter and particulars of the seizure shall be submitted forthwith to the Chancellor of Justice. If proceedings have not been taken nor an application for the confiscation been made within two weeks from the date on which the Chancellor of Justice received the particulars, the seizure and any publishing ban relating thereto shall become void."

Therefore after the seizure, it is the duty of the Government to go to a judge and get a verdict in their favour and unless they get it, the whole matter will not be confiscated, whereas here if the property is confiscated under clause 10 or seized, then the person whose property it is, has to go to the High Court. There is this difference. In regard to other general documents, etc. in which it is alleged that objectionable matter exists, the rule is that first of all it is sifted by the Sessions Judge and then there is the question of the forfeiture of that matter under clause 4 or clause 5. But unless the Sessions Judge says that it is an objectionable matter, it is not allowed to be seized. Here the benefit of the advice of the Sessions Judge is not there and only executive action is taken and then the man whose property has been seized has to go to the High Court. This is the main difference. The present law in regard to this matter is more than ample; we have got provisions in sections 99A to 99F and in the presence of these provisions, I maintain that the enactment of this clause 10 is absolutely unnecessary. It is true that those sec-

[Pandit Thakur Das Bhargava]

tions do not cover all the ground which this Bill covers but at the same time they cover a substantial ground from the view-point of the Government.

Now if you remember the history of sections 99A etc. as I submitted yesterday, when all the obnoxious Acts of 1908 and 1910 were repealed, they were put in the .....

Mr. Deputy-Speaker: Is not this an improvement on those provisions?

Pandit Thakur Das Bhargava: It is not an improvement. According to me the whole is greater than the part. The State Government includes the Advocate-General and all servants and all persons subordinate to it. The popular Minister can take the opinion of any person; he ought not to act rashly but he can take the opinion. Supposing the provision is not there namely "or other principal law officer of the State", he can certainly take action after taking the opinion. This is an enabling measure.....

Mr. Deputy-Speaker: Without taking the opinion of the Advocate-General no action can be taken under clause 10.

Pandit Thakur Das Bhargava: This can be secured by executive order...

Mr. Deputy-Speaker: How can that be? The State Government may declare on the certificate of the Advocate-General and this is a condition precedent.

Pandit Thakur Das Bhargava: Even if it is a condition precedent, may I ask, if that was not there, is there anything by virtue of which the popular Government cannot ask the opinion of its own Advocate-General?

Mr. Deputy-Speaker: The hon. Member says that the Advocate-General can be induced to give any opinion that the Provincial Government wants.

Shri Rajagopalachari: He says he does not want an Advocate-General. The Government is good and therefore it should take action. Then he objects to that from another point of view.

Pandit Thakur Das Bhargava: How do I object? Rajaji puts something in my mouth which I never said. What must have induced him to make that remark, is more than what is implied in my remarks.

Mr. Deputy-Speaker: It is true that the Sessions Judge, an independent authority, looks into the matter. But that is another matter altogether. The Provincial Government can immediately issue an order for forfeiture even without consulting the Advocate-General. Now the present Bill, between the judge being consulted and allowing it entirely to executive authority to decide, interposes the opinion of the Advocate-General or Attorney-General and to that extent is an improvement of the existing position.

Pandit Thakur Das Bhargava: It is not an improvement because the State Government does its duty as it ought to do. If we presume that the State Governments are autocratic and will not agree for the redress of others, it may be different. Every State Government before it takes up action under this clause must know that it is dealing with the property of another and it should ordinarily without this being there take the opinions of the law officers etc. before it proceeds further. This provision only to a certain extent lessens the responsibility of the State Government which ordinarily ought to exercise it. When a certificate is got, whether right or wrong, the State Governments are bound to be armed with that certificate and need not further look into the matter. Even with this provision the State Government is bound to take the opinion of its officers before it proceeds on a course like this. What I was submitting was quite different.

Section 99A was given to this country by Sir Tej Bahadur Sapru when he abrogated all the obnoxious laws of 1908 and 1910 and this section is more than ample and provides a better remedy and it also gives better safeguards to persons whose property is thus seized. I need not read those sections as the whole House knows them and these objectionable matters which according to the hon. Home Minister are included in the word 'seditious' or which come in section 153A and section 295 (a) are all included in section 99A. Now under section 99A an order is issued and it is put in in the Official Gazette and even the grounds of such order are published. What is the difference? Previously only seditious matter, any book containing any seditious matter could be seized in that manner. Now any book containing any matter which is likely to be seditious can be seized. This is one difference.

Another difference is that all property could be seized. This has been enlarged into four or five categories. The previous provision was that as soon as the order was made, a person could go to the High Court and a special Bench of the High Court of three Judges could look into the ques-

tion. The previous law—I do not want to repeat it—was a much more wholesome provision and it provided a much better safeguard than the present law in which there may be only one High Court Judge and he may decide it. As pointed out by my friends, Prof. Bhattacharya, Mr. Nazir-uddin Ahmad and Mr. Chaudhuri, the books may be worth lakhs of rupees and the writers may be put to loss and may be aggrieved by an executive action of this kind on the basis of a certificate from the Advocate-General Now, as a matter of fact, that responsibility becomes less to a certain extent, to the extent of this provision. My submission is this. When we have got sections 99A series, why should we have another provision? Or, if such a provision was made, what is the use of keeping those sections? Government are keeping both sections 99A series and this provision. They are duplicating the business. If they were not satisfied with sections 99A series, they should have seen that that section is abrogated. I could have understood that. But, they do not want to abrogate that. My view is that sections 99A to 99F are quite ample and they are good because according to me, they only seize matter which ought to be seized. More powers are taken, more offences are created and even such literature is going to be seized which does not come within the province of section 99A. I therefore consider that the present provision is more retrograde. Sections 99A series are quite ample. Therefore, clause 10 should not be passed.

Shri Rajagopalachari: So far as the point raised by Prof. Bhattacharya is concerned, he finally said, "at least remove books, I would be content". I wish to appeal to him that this provision is intended not to bring difficulties in the way of authors and publishers, but where immediate action is necessary to stop something which is highly objectionable. It may be either a book or some leaflet or it may be a particular issue of a paper where a false alarm or something like that is given. This is for immediate action where the time for the ordinary processes under clauses 4 and 5 would not be available.

If we have to deal swiftly with anything that is grossly bad, or so bad that we should take immediate action, what are the safeguards that would be normally justifiable? Now, in spite of what Pandit Thakur Das Bhargava said about Government acting properly, I want to provide the safeguard that the Government should consult its law officers. Not only simply consult, as they always do; the law officer, whoever he may be, should give his certificate. He stakes his whole professional reputation on that certificate. I know that even in the old Criminal Procedure Code, where a certain kind of appeal or action had to be taken by the courts, by way of an appeal, a certificate of the Advocate-General was necessary; for instance, for an appeal from the judgment of a Bench of the High Court to the full High Court A certificate of the Advocate-General is given with great difficulty. Because, he knows that his reputation at the Bar stands or falls on the question whether he gives a correct opinion or a wrong opinion. Not only that, I also provide that the grounds should be published in the Gazette, as before, so that the certificate of the Advocate-General would have to stand immediately the scrutiny of all concerned. Therefore, there is safeguard enough against any wrong action. But, sometimes, imminent action is necessary and therefore we have made this provision.

Then, as regards the appeal in the High Court, if the procedure suggested by Pandit Thakur Das Bhargava, on the basis of his interpretation of the Swedish law is to be accepted, immediate action would not be possible. On the other hand, he suggests, 'take immediate action, but the order can be vacated by an order of the court later on'. That is exactly what we have provided here. The further question is, what is this Chancellor of Justice in Sweden? I do not know if my hon. friend has gone into the administrative arrangement in Sweden. I know, for instance, that in the French arrangement the Public Prosecutor gives his opinion on law whenever the court wants it and it is final and binding on the court. We do not know exactly what the Swedish Chancellor of Justice is: whether he is a judicial officer trying cases or whether he is the Attorney General of Sweden, we do not know In any case, let us decide on the basis of the offices with which we are familiar here. We know the Advocate-General; we know the Attorney-General. His opinion will be a safeguard. In spite of everything that Pandit Thakur Das Bhargava has said, I think that State Governments may sometimes go wrong. It is as well that we put here in the Bill that the Advocate-General's opinion should be obtained, opinion given in public, opinion which could be published. These two safeguards, I have provided.

[Shri Rajagopalachari]

Hon. Members compared the provisions of sections 99A series with this. I want them to compare section 19 of the Act of 1931. Some hon. Members thought that there was no provision corresponding to this clause 10. Section 19 of the Act of 1931 is the clause corresponding.

Pandit Thakur Das Bhargava: Nobody has argued like that. The provision is there in the Act of 1931.

Shri Rajagopalachari: You did not make the mistake. I think Mr. Deshbandhu Gupta the other day said that there was no provision and Mr. Goenka quoted some other provision, which was wrong.. Section 19 of the Act of 1931 is the provision corresponding to the present clause. It says:

> "Where any news-paper, book or other document wherever made, appears to the Provincial Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Provincial Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue....."

Exactly as I have provided here. The things that I have added are: a certificate of the law officers before any such action is taken and an appeal to the High Court later: not under sections 99A series, but under clause 23 which I have provided. They can go into the whole matter and pass such orders as they think fit. And the person, who has lost his book for some time, talking only of books, gets the greatest advertisement so to say by the enquiries that are held, and by the order that is made by the High Court vacating it. In fact, I think, the Government should be entitled to payment from the publisher of the book for the additional advertisement that has been given to the whole thing. I am not only joking. What I mean to say is this. The proceedings of the Government will be necessarily cautious, will be necessarily guarded. They will not rush to make an order without first making sure that the law officer is backing it, without making sure that they can publish the grounds for public consumption and without making sure that the High Court will afterwards confirm it. With all these precautions, I submit that the necessity for keeping section 19 of the old Act of 1931 continues now, and we should have it. Sections 99A series may be there or may be given up. We may have to give them up for several reasons if not for what has been argued already. One is this. That covers only a certain number of cases. I am rather inclined to think that obscene and scurrilous and such like papers should be confiscated at once. That would not be covered by sections 99A series. Sections 99A series would cover only seditious matter, matter falling within parts (i) and (vi) of the present Bill. All the other clauses would be outside. I submit that it is necessary to have something corresponding to section 19 of the 1931 Act. With the safeguards that I have provided I submit that there is no reason for further discussion of this. I would ask the House to accept the clause as it stands, with the changes made.

Mr. Deputy-Speaker: The question is:

> "That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11.—(*Power to detain pack-*

Shri R. K. Chaudhuri: My intention is to oppose this clause altogether. In the previous clause we had laid down some sort of protection against hasty action by the Government. But, by virtue of this clause, we are absolutely left at the mercy of the customs officer. The customs officer need not give any reason. Immediately, he can seize any package which he suspects to contain books containing objectionable matter and send it to some other officer. This is a very drastic action which has been proposed. I suppose that the sky will not fall over our head if we do not have this provision. The country has been going on without this provision for so many years without much disadvantage. We have not heard of any instances where customs officers had occasion.....

Shri Rajagopalachari: The hon. Member has not heard because there was no need for it. Many books have been seized.

Mr. Deputy-Speaker: The hon. Member wants a definite declaration by a competent authority before seizure.

Shri R. K. Chaudhuri: Whatever may be the experience of the past, after independence, we ought to start with a clean slate. I submit that no occasion has been made out recently for taking such drastic action like this. The hon. Home Minister wanted this Bill to be a sort of scare-crow; but he has

absolutely failed in his attempt, or desire to make it a scare-crow. It has actually become a demon which has been conjured up by the hon. Minister and this demon will not merely kill those persons whom he wants to be killed, but may kill the very Government in the long run. It will make this Government unpopular on account of this Bill. Therefore, I submit that the hon. Minister should agree to our request. I appeal to him again to drop this clause altogether.

Prof. K. K. Bhattacharya: I strongly support my hon. friend Shri Rohini Kumar Chaudhuri, for I think that this clause is unheard of in any civilised country in the world. What is it that clause 10, reinforced by clause 11, refers to? Any appeal to the Attorney-General is not necessary. But books, newspapers, pamphlets, literature, everything can be confiscated at the sweet will and order of the customs officials who may not know the a, b, c of current literature, or for the matter of that, any literature whatsoever, and who have not passed any B. A. or M. A. degree examinations. Furthermore, there is no safeguard provided by application to the High Court as is contemplated under clause 23. Therefore, I submit that it is a star chamber method that is being introduced in this clause 11. I have not the slightest hesitation to say that if this clause is not deleted at least now, the provision will go as one of the blackest provisions in the whole Act. And so it will be a matter for eternal comments by all newspapers and journalists and academicians that their right to publish a paper, the right to send an article in a paper, of translating a book from one country or another, to the language of this country and getting it down, all these rights will be annihilated by the sweet will and desire of the illiterate customs officer.

An Hon. Member: Illiterate?

Prof. K. K. Bhattacharya: Yes, I say illiterate, because what do they know of current literature? As soon as a packet arrives the packet is confiscated, though they may not know and cannot know what is contained in those books. I strongly object to this clause 11 and support Shri R. K. Chaudhuri to completely delete it from the Bill. There is absolutely no necessity for such a provision.

I would also say that there should be safeguards to the effect that immediately after taking over the books, or pamphlets or news-sheets, the opinion of the Advocate General or the Attorney-General must be sought before the order is finalised. There is not even a provision in the Bill to make an application to the High Court against the order of forfeiture that is contemplated in clause 11.

[SHRIMATI DURGABAI *in the Chair*]

Pandit Thakur Das Bhargava: So far as clause 11 and incidentally clause 12 are concerned, the subject matter of these clauses has been on the statute book for a very long time. It is not as if these provisions are new and have come to the House for the first time. At the same time it is quite true that there have not been many cases in which these powers have been exercised. That is the reason why these provisions have not come to the notice of hon. Members. I am surprised at the manner in which these clauses have been attacked. These hon. Members who were quite silent with reference to previous clauses have now started seeing defects in this clause. I can understand the intellectual difficulty of Prof. Bhattacharya and Shri R. K. Chaudhuri in respect of these provisions because there is something in these provisions to which objection can be taken. But who are these customs officers or the sub-postmasters in charge of the post offices? It is true there have been no complaints about these provisions. Then, they ask us, why not assume that things will go on as they have been going on till now? All the same, we want to be extra cautious. The chief customs officers or the postmasters are not the persons who can appreciate whether a matter is objectionable or not. It is true that the Government cannot allow itself to be utilised, its own machinery or its own institutions or offices to be utilised for the purpose of disseminating objectionable matter. When the thing passes through the customs officer or the postmaster, the Government to that extent, becomes party to the dissemination of these things. This should not be and, therefore, I feel that the provision is quite a salutary one. It is the duty of the Government to see that when it is anxious that objectionable matter should not be disseminated, it does not allow its own machinery to be used for the dissemination of the matter.

All the same, it is also true that there is no check provided in the Bill. Things are provided to be taken possession of on suspicion. What is the basis for the suspicion? Has the postmaster opened out the parcel and seen its contents?

Shri R. K. Chaudhuri: Will he understand it even if he sees it?

Pandit Thakur Das Bhargava: All the same you have to arm him—the postmaster or the chief customs officer with the power to see that these channels or machineries of the Government are not used for the dissemination of objectionable matter. But after that, there is no provision for a sessions judge or High Court to adjudicate on the matter. So some officer may be appointed who may go into the matter. If somebody who is not a judge nor a lawyer is appointed for this work, he would not be able to appreciate whether the matter is objectionable or not. For this reason I have given notice of an amendment where I have said that if such an order is passed, at least the matter may be taken to the High Court and the High Court may be pleased to examine it. These cases are not very frequent and I do want them to be scrutinised by High Court in appeal. If every case is decided by a judge it will be imposing too heavy a burden on the officers and we will require more officers. I will be satisfied if the matter is allowed to be taken to the High Court in appeal and there the question may be adjudicated, whether the matter is objectionable or not and justice done.

Shri Deshbandhu Gupta: I only wish to point out to the hon. the Home Minister and ask him whether his attention has been drawn to the amendment of which notice was given by Shri Ramnath Goenka. This clause does not provide for a trial or provide an opportunity to put forth any defence. It is an *ex-parte* thing. The authority of the officer is considered sufficient and he disposes of the packages just as he likes. A consignment of books worth thousands of rupees may contain objectionable matter in one portion of one of the books, but this officer has the power to dispose of the package just as he likes, throw them off or auction the books. Therefore I want to draw the attention of the hon. Minister to the amendment of my hon. friend Shri Goenka. Surely it will not be the intention of the Government to.....

Shri J. R. Kapoor: How does that amendment read?

Shri Deshbandhu Gupta: The amendment reads:—

In clause 11, omit:

"and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the State Government may appoint in this behalf to be disposed of in such manner as the State Government may direct."

His other amendments are:

(i) In clause 11, omit:

"or other officer authorised by the State Government in this behalf".

(ii) Renumber clause 11 as sub-clause (1) of that clause and after sub-clause (1) as so renumbered.....

Mr. Chairman: I want to point out that these amendments are not actually moved because the Member is not present. Of course, it is open to the hon. Member to speak on the clause itself.

Shri Deshbandhu Gupta: I am not moving them I am only drawing the attention of the hon. Home Minister to the amendment which would have been moved if Mr. Goenka had been here—I am doing so because he is in a receptive mood and he is out to improve the Bill. I am not fathering these amendments at all; I have not moved any amendments nor do I want to father these amendments, nor can I do so unless you permit me. I only want to point out that the amendments are reasonable so that the hon. Minister himself might consider moving them on behalf of the Government. I think this clause has escaped the attention of the Select Committee. The amendment proposed by Mr. Goenka was:

"(2) The chief customs officer shall produce the packet detained by him under the provision of sub-section (1) before the nearest sessions judge;

(3) The sessions judge shall issue notice to the consignor of the package to show cause why the package should not be forfeited to the Government.

(4) The consignor shall be entitled to show cause why the package should not be forfeited and the sessions judge may pass such order as he may think fit after taking all such evidence as has been produced and after hearing the parties."

Surely it could not be the intention of Government that no occasion should be given to the owner or the consignor of the packages to defend themselves. At present there is no such provision in the Bill. Not only is there no pro-

vision for an appeal, but there is no provision for defence in the first instance. It will be an *ex-parte* thing: if the officer is satisfied that there is "objectionable matter" contained in the book, newspaper or magazine, the whole consignment can be disposed of in any manner he likes. I am sure this could not be the intention of the Government. Therefore, I want to draw my hon. friend's attention to these amendments. They are very reasonable amendments; it is unfortunate that Mr. Goenka is not here and that no other hon. Member has given notice of a similar amendment. As I have already submitted it could not be Government's intention that no opportunity should be given to the owner or consignor of these packages to defend themselves and prove that they do not contain "objectionable matter". If that is so, then Mr. Goenka's amendment meets the point and I would request Government to consider and accept it.

Shri Naziruddin Ahmad: I wish to say a word or two. I wish to draw the attention of the House to a particularly obnoxious clause.

Shri J. R. Kapoor: Has the hon. Home Minister accepted this amendment?

Shri Rajagopalachari: No; I would be very clear when I accept. He would not advise me to accept it.

Shri J. R. Kapoor: I only wanted to know what exactly the position is. I would also like to make a suggestion.

Shri Naziruddin Ahmad: So far as this clause is concerned, I wonder how it was smuggled into otherwise good-looking clauses. This clause has a particularly obnoxious feature. It says when a package of books, newssheets or other documents is brought into India by land, sea or air, and when the officer concerned *suspects* that there are newspapers and other things of an objectionable nature in that package, he shall detain such package and forward copies of any newspapers etc. found therein to an officer of the State Government. In the previous clause the Advocate-General considers the matter and certifies that it is objectionable, but in this clause all that is necessary is that the chief customs officer or "other officer authorised"—who that "other officer" is nobody know, he may be absolutely a nobody—should *suspect* that the package contains objectionable matter and then he has the power to detain the whole lot of books, newspapers etc., after which he has to report the matter to the State Government who shall dispose of these books etc. in such manner as they like.

Mr. Chairman: The hon. Member said that some kind of "smuggling" has been done—I do not think it is so. The provision of this clause is deliberate. In the previous clause the Advocate General has to certify, but in this case action cannot wait till the matter is certified by the Advocate-General and therefore that power to detain is perhaps given to the customs officer.

Shri Naziruddin Ahmad: The whole consignment may be detained on mere suspicion and passed on to the State Government to be disposed of in such manner as it may think fit.

Mr. Chairman: What does it mean?

Shri Naziruddin Ahmad: It means undue delay, which in turn means financial loss and dislocation of business. The power given in this clause is very drastic. Being based upon mere suspicion I object to the whole clause.

Shri J. R. Kapoor: I have never applied a negative attitude of mind to the consideration of any of the clauses of this Bill. I am not therefore in agreement with the contention of those hon. Members who think that this clause should be deleted *in toto*. This clause is intended to serve a very useful purpose and I want that it should remain, but I also want that it should be brought in consonance with clause 10, read with clause 23. Under those clauses if the State Government passes an order forfeiting a publication, then an application against such order of forfeiture can be filed to the High Court. Similarly, here too I would like that if a direction of forfeiture is given by the State Government then an opportunity should be given to the aggrieved person to move the High Court in that State questioning the propriety of the order of the State Government. This can be done by suitably amending clause 23.

I am not in favour of Mr. Goenka's suggestion being accepted in preference to the suggestion I have made; if his amendment is moved and adopted the person aggrieved will have only one remedy, namely that he can defend himself before the sessions judge, but the order of the sessions judge will be final. On the other hand, if my suggestion is accepted the person aggrieved will have two remedies, namely.....

Mr. Chairman: The whole point of the hon. Member is that provision should be made for appeal. That is the

[Mr. Chairman]

simple point that the hon. Member is trying to establish. The point is clear—let us now hear what the hon. Minister has to say.

Shri J. R. Kapoor: That point may be clear to the Home Minister, but I am anxious that Mr. Goenka's suggestion may not be accepted in preference to mine. If clause 11 is allowed to remain as it is and a remedy is provided in clause 23, that would be a much better position. Under clause 11 the book which is seized is sent in the first instance to the State Government so that the State Government will apply its mind to the subject. If it comes to the conclusion that there is objectionable matter, then of course an adverse order may be passed by it but not otherwise, so that here the person aggrieved will have the advantage of the State Government applying its mind to the particular question. Even if thereafter the State Government directs that the property must be forfeited, he should have another opportunity of making an application to the High Court for the modification or the reversion of that order. I only want that when there is a direction of the State Government forfeiting the property the aggrieved person should have an opportunity to go to the High Court but any direction of the State Government short of forfeiture of the property should not be questioned. That is my submission. If this is accepted, then clauses 10 and 11 would be on a parallel basis.

Shri Shiva Rao (Madras): I was going to make more or less the same suggestion. I would like the definition of 'such officer' in clause 11 to be brought into line with clause 10 where you have specified 'Advocate General or other principal law officer'.

Shri Rajagopalachari: I greatly appreciate what Mr. Kapoor last said which meets the points raised by hon. friends. But let me first mention this. There need not be any notion that this law is new. Prof. Bhattacharya should know that this law has been there, as Pandit Bhargava pointed out, for a long time and it has not caused any great grievance. It has greatly protected our country from the onslaughts of foreign mischief in many matters. This is only intended against import from abroad of bad books. No good books have been kept away. The great publishers of England and America have not complained against the misuse of these provisions which have been on the statute book for many decades. I may add that in every country there are provisions like these and not merely in our country, as is thought to be the case. Hon. Members obviously have not studied foreign law books on the procedural and administrative side.

The suggestion of Mr. Kapoor is perfectly reasonable. We are trying to liberalise the law as it stands. I have no objection to incorporate an amendment by which a person aggrieved by action taken under this clause may apply to the State Government for review and the latter may pass such orders as it thinks fit. I am also prepared later to provide that any order of forfeiture passed under this clause shall be included among the appealable matters in clause 23.

Prof. K. K. Bhattacharya: That is all right then.

Shri Rajagopalachari: So, I beg to move:

> Renumber clause 11 as sub-clause (1) of that clause and after sub-clause (1) as so renumbered, add:
>
> "(2) Any person aggrieved by any action taken under sub-section (1) may apply to the State Government for review and the State Government may pass such orders thereon as it thinks fit."

Shri J. R. Kapoor: May I point out that even the first order would be passed by the State Government itself? Because the words are "in such manner as the State Government may direct". The package seized will be sent to the State Government.

Shri Rajagopalachari: That remains in the clause as it is, but then I have moved this amendment by which the aggrieved party may apply for a review of such action as has been taken and then the State Government may pass an order. You will no doubt appreciate that there would be no appeal to the High Court unless there is an order; mere action cannot be the subject of appeal.

Mr. Chairman: The question is:

> Renumber clause 11 as sub-clause (1) of that clause and after sub-clause (1) as so renumbered, add:
>
> "(2) Any person aggrieved by any action taken under sub-section (1) may apply to the State Government for review and the State Government may pass such orders thereon as it thinks fit."

The motion was adopted.

Mr. Chairman: The question is:

> "That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 was added to the Bill.

Clause 13.—(*Power to seize etc.*)

Shri Rathnaswamy: I beg to move:

(i) In sub-clause (1) of clause 13, after "person" insert "not lower than a gazetted officer".

(ii) In sub-clause (2) of clause 13, for "sub-inspector" substitute "a gazetted officer".

(iii) In sub-clause (3) of clause 13, for "as soon as" occurring for the second time, substitute "within seven days' time after the seizure of the news-sheets and newspapers".

My object in moving these amendments is to make the officers concerned more responsible and more conscious of what they are doing. It is hardly necessary for me to say that in many cases we have come across officials who are very anxious and very enthusiastic without giving due consideration to what they are doing. That is why I am anxious to see that such of those officials as are concerned with seizing or destroying these unauthorised newspapers and news-sheets are gazetted officers. It is our bitter experience that these police officials who do not hold responsible appointments in the Police Department often harass the journalists and the publishers of news-sheets and newspapers. I feel that if the official concerned is holding a responsible rank he would hesitate and think many a time before embarking upon a drastic action.

1 P.M.

Shri Rajagopalachari: In his first amendment Shri Rathnaswamy suggests that the person entrusted with this work should not be lower in status than a gazetted officer. Now the kind of work that is allotted here is one which has necessarily to be done by a police officer and it is not possible for any other kind of officer to deal with it. What the hon. Member, perhaps, means is that he should be a gazetted officer of the Police Department. It would be difficult for such officers to be available for that kind of work. No doubt, wherever possible, the policy of Government in such matters when we deal with newspapers, is to get the highest officer possible. But I am sorry I cannot accept a provision in the statute to make it necessary that for every one of the actions taken under clause 13 we should have a gazetted officer. It would be impracticable.

Then in sub-clause (2) his suggestion is the same—instead of a sub-inspector he wants a gazetted officer, that is a Superintendent, or Deputy-Superintendent of Police, I take it. It would not be practicable. Therefore, I am unable to accept his two amendments. Apart from the general observations made, I would like to draw his attention to the fact that these days police sub-inspectors have behaved in a very responsible manner and they gradually have become a higher class of people altogether and have been promoted to reach the posts of even Deputy-Superintendents. We should therefore give them a chance to play fair.

In his third amendment he wants the words "within seven days" for the words "as soon as". I think "as soon as" is better than "seven days".

Shri Rathnaswamy: I do not press the amendments.

Shri Nasiruddin Ahmad: I would like the hon. Minister to accept the drafting changes suggested in my amendments.

Shri Rajagopalachari: I accept them. They are for the draftsmen to be attended to.

Mr. Deputy-Speaker: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

MOTIONS *RE*: DELIMITATION OF CONSTITUENCIES ORDERS

Mr. Chairman: The House will now take up motions regarding delimitation of constituencies.

Shaikh Mohiuddin (Bihar): Sir, my motion for modification of the Delimitation of Council Constituencies (Bihar) Order, 1951, is the same as the third motion moved by Shri Kshudiram Mahata in this respect.

Shri J. R. Kapoor (Uttar Pradesh): It was definitely circularised to us that this will be taken up either in the morning after question hour or at six o'clock.

Mr. Chairman: This does not deprive hon. Members of the opportunity of moving them at six

[Mr. Chairman]

o'clock. They will again be taken up in the evening.

The House then adjourned till Half Past Three of the Clock.

The House re-assembled at Half Past Three of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

COUNCIL CONSTITUENCIES (MADRAS) ORDER

Shri Kesava Rao (Madras): I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (Madras) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

That in the Table, in column 2, after the words "Malabar and South Kanara Districts" wherever they occur, the following be added, namely:—

"and the West Coast Islands of Minicoy, Laccadives and Amindivis".

COUNCIL CONSTITUENCIES (WEST BENGAL) ORDER

Shri S. C. Samanta (West Bengal): I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (West Bengal) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

That in the Table, under the heading "Local Authorities' Constituencies" for the entries "Birbhum-Burdwan (Local Authorities)" and "Bankura-Midnapore (Local Authorities)" in column 1, and all the entries occurring against them in columns 2 and 3, the following be substituted, namely:—

1	2	3
Burdwan Division North (Local Authorities)	Burdwan Division excluding the districts of Hooghly and Howrah.	4

PRESS (INCITEMENT TO CRIME) BILL—*contd.*

The Leader of the House (Shri Jawaharlal Nehru): May I suggest, Sir, that we might sit even upto a late hour this evening to continue consideration of this measure and, I hope, finish it? In that event we might not sit tomorrow.

Mr. Deputy-Speaker: The Leader of the House has made this suggestion. We have had enough discussion on various matters. I do not want to curtail discussion on any new matter. But I suggest that only the points may be stated.

Shri Sidhva (Madhya Pradesh): It depends on you, Sir.

Mr. Deputy-Speaker: How? It depends upon the Members.

Shri Naziruddin Ahmad: I think the Bill should be finished today. But in case there is some delay we should be given some time to have our meals so that we can sit down with some freshness and proceed with the work.

Shri Rajagopalachari: I stand dinner tonight for all Members.

Shri B. Das (Orissa): I suggest that no speeches should be made. Hon. Members may move their amendments and Rajaji may say "yes" or "no". Otherwise it will not be finished.

Mr. Deputy-Speaker: I am sure hon. Members will do that.

Shri Rajagopalachari: There are no amendments to clause 14. If at all, perhaps Mr. Naziruddin will oppose it.

Mr. Deputy-Speaker: He has already said that he will co-operate.

Shri Naziruddin Ahmad: I simply register my formal protest that this is contrary to modern legislation. I do not wish to repeat what I have said.

Clause 14 was added to the Bill.

Clause 15.—(*Contents of complaint*)

Shri Rajagopalachari: This is procedural. The procedure for the trial has been very carefully examined in the Select Committee under your own chairmanship, Sir.

Pandit Thakur Das Bhargava: I beg to move:

In clause 15, at the end, add 'and the reasons for such demand"

I have to submit only one word in respect of it. As you know, under clauses 4 and 5 as well as under clauses 7 and 8 there are two points which have to be considered by the court: in the first place, whether the press was used, and secondly whether there are sufficient grounds. Now, these grounds really cover what is to be proved by the prosecution or the defence. Therefore these words may be added, namely "and the reasons for such demand", or, if Rajaji is pleased to accept, "and the grounds for such demand". Because, I maintain that in this enquiry the Government shall lead the evidence and the accused shall only rebut the evidence of the prosecution, so that the main questions will only be, number one, if the press was used, number two, if there is objectionable matter, and number three, if the accused knew that this objectionable matter was contained there, and other extraneous circumstances which he wants to plead. In clause 17 we say that the court shall "settle the points for determination". When we come to clause 17 I will submit for your consideration that we are rather reversing the process. According to me, first the evidence shall be led by the Government and when the Government has produced its evidence then it will be for the accused to rebut it, so that ultimately the case will be decided as an ordinary criminal case is decided. If that is so, then it is but proper that the reasons for such demand—that is, why the Government want that this man may be put on security, what he has done, how much should be the security, grounds such as that this press is very big or that it has been delinquent in a greater degree than usual—all those things should be there. If the reasons or grounds of the demand are given in the complaint, the accused or the person proceeded against will know what he has to meet. It will be in the interest of the prosecution as well as the accused. Because, we are not saying anything else; only, we are saying that they should state in the complaint "this is the objectionable matter" and further "this is the demand". If the bare skeleton of the grounds in respect of these two things are there . . . .

Mr. Deputy-Speaker: Apart from the inclusion of the objectionable matter what are the other reasons that the hon. Member expects?

Pandit Thakur Das Bhargava: I have submitted that the first will be that "this man knew the nature of this objectionable matter." Secondly, why such a big demand is being made by the Government? It will be said that these are the grounds on which the demand is based. I am only submitting so that the accused may know what the reasons are which he has to meet. After all 'sufficient ground' is a vague word and if the demands are indicated in sufficient detail, the accused will be able to meet them.

Shri Rajagopalachari: The only answer that I can say to this suggestion which looks very simple is that I have conceived the whole procedure and the Select Committee has considered it that it should be as simple as possible. Both sides should state their case, so that the thing may be disposed of quickly. As observed by you, when the objectionable matter in respect of which the complaint is made is set out, there is nothing more to be said and therefore whatever is intended by the hon. Member is really matter for defence which will be placed by the person charged before the court and the court will elucidate what other things are necessary. It depends on each case. It is perfectly open for the Court to ask for all these.

Mr. Deputy-Speaker: Regarding the amount of security if it is a large amount, there will be some explanation.

Shri Rajagopalachari: If it is small or big, it will be discussed in proper time in the court.

Mr. Deputy-Speaker: The quesion is:

In clause 15, at the end, add "and the reasons for such demands".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 17.—(*Procedure for inquiries*)

Amendment made:

In sub-clause (1) of clause 17, omit "all".

—[*Shri Lakshmanan*]

Pandit Thakur Das Bhargava: I beg to move:

In sub-clause (2) of clause 17, for "in summons cases by magistrates under the Code except that evidence shall be recorded in full" substitute "in warrant cases under the Code".

My amendment in this matter is a matter of substance. We understand from the various provisions which are coming before the House that in certain cases where an accused is asked to give security there will be an inquiry by way of trial by jury, if he demands it. In other cases for purposes of inquiry the proceedings will only be regarded as a summons case. In the first place, I must submit at the very start that I do not like this sort of discrimination. It is a serious matter for everybody who is to be proceeded against. There is no question of jury or otherwise. It is discriminatory to an extent. Secondly the jury will only be demanded by rich people who will be able to afford the assistance by counsel and so on. Therefore, again there is discrimination. Surely where it is such a serious case where even forfeiture can be made, I would request the House to consider if it will be satisfied with merely a procedure for a summons case. The main difference between a summons case and a warrant case is well known to the House. Rajaji has been pleased to agree to put in one thing, which is very important. He has agreed that the evidence in full should be recorded. So far so good. This is really a concession. If it is a summons case and the evidence is not recorded what will the record speak of when it comes to the High Court? At the same time the main difference is that in regard to summons cases the court is not obliged to summon all the witnesses whereas in warrant cases not only the court is obliged to call all the persons except of course when the court finds that for the purpose of obstruction or delay the accused is asking the court to call certain witnesses. Moreover the expenses of the witnesses also are to be paid by the Government in warrant cases whereas in summons cases the cost may have to be paid by the accused. Secondly in the summons case in the trial proceedings the accused is asked in the first instance what he has to say whereas in a warrant case the accused is called upon to defend himself after the full prosecution evidence is over and he knows what charges he has to meet. A charge may not be necessary in this case. Anyhow there is a double right of cross examination under section 256 of the Criminal Procedure Code in a warrant case for the accused. In all summons cases all these concessions are not enjoyed by the accused. In preventive proceedings for good behaviour the procedure for inquiries is that of warrant cases. This provision has a certain amount of correspondence with section 108 of the Criminal Procedure Code. In regard to section 108 of the Criminal Procedure Code the warrant case proceedings are taken. You will be pleased to refer to section 117 where it is stated that in cases where the proceedings are for demanding a security for keeping the peace, the proceedings are by way of summons cases whereas in the other cases where it is a question of taking security for good behaviour the warrant procedure is adopted. If any thing this is more serious than section 108. Therefore it is but necessary when the consequences are so great. As I have already submitted before the House I think it is but fair that the accused should be given the right of inquiry as if it was a warrant case. I cannot understand the judge and jury in grandiose style being provided in one case and in the other cases not the amenity of even an inquiry as in a warrant case. I think the right mean can be struck by agreeing to the inquiry being held in a manner in which warrant cases are tried.

Mr. Deputy-Speaker: There is a difference made in section 107. Some things have to be done under the Summons Chapter of the Criminal Procedure Code.

Pandit Thakur Das Bhargava: I have submitted that so far as keeping of peace is concerned in summons case inquiry is provided but in section 108 which is the corresponding section and sections 109 and 111 are all warrant cases of inquiries.

Shri Naziruddin Ahmad: I wish to support this amendment. The main difference between a summons case and a warrant case has been clearly explained. The case is going to be heard before the Sessions Judge but in no case, even in a special trial before the sessions judge and special courts, the procedure of summons case is adopted. A Sessions Court is an important Court and the procedure of warrant case should be followed. The practical difference between the two procedures is that in a warrant case the evidence for the Government is led and then a *prima facie* case is made and then the charge is framed. Then a date is fixed for the cross-examination of the witnesses. This is to give the accused some opportunity to exactly study the case

and conduct his defence. Summons cases are unimportant cases where these stages are not clearly marked. That procedure is followed in simple cases of assault and the like where the facts are very simple and there are no complications of law and fact. Here, considering the very nature of the punishment, and the very seriousness of the charge and the considerable difficulty in ascertaining whether the offence has been committed or not, the procedure in warrant cases should be followed. It is only fair and proper that the accused should be given an opportunity to meet the case at leisure and perhaps this would be appreciated.

Shri Rajagopalachari: I think the position has not been quite clearly understood. The objections raised show that the scheme has not been properly appreciated. I wish to make this quite clear. The trial here begins with, so to say, the charges, because, the objectionable matter is set out and the heads under which the objection comes in must also be set out necessarily. So, the charge is there practically from the outset. The only reason why I suggested the procedure of the summons cases is contained in section 242 of the Criminal Procedure Code. It is the pith of the whole matter. Section 242 says:

> "When the accused appears or is brought before the magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge."

All the evidence produced will have to be taken.

The difficulties that were pointed out in the Select Committee were, firstly, that the charge should be clearly specified as in a warrant case. I have therefore said that the judge shall determine the points for determination as soon as they come together and therefore the issues are settled as in the most complicated civil cases. Then the trial is held. Both sides adduce their evidence. Then, it was pointed out that this evidence should be available to the High Court to review the case. Therefore, I have incorporated a provision that evidence should be fully recorded. There is nothing more to compare between this and an ordinary trial. If it is said that the procedure in a civil suit should be followed, it is being followed. Over and above all, I may point out that the sessions court with the jury cannot afford to play with the procedure. He will have to make the procedure as clear and correct as possible. There is no disadvantage which a person charged will suffer from.

Shri Meeran: There will also be an interregnum which will dislocate the jury.

Mr. Deputy-Speaker: The question is:

> In sub-clause (2) of clause 17, for "in summons cases by magistrates under the Code except that evidence shall be recorded in full" substitute "in warrant cases under the Code".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

> "That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18.—(*Non-appearance of respondent*)

Pandit Thakur Das Bhargava: I beg to move:

(i) In the proviso to clause 18, for "of the *ex parte* order" substitute "of his knowledge of the order".

(ii) In the proviso to clause 18, at the end, add:

> "Any person on whose application the *ex parte* order has not been set aside may within one month of such order appeal to the High Court for setting aside the said order."

In clause 18, though as a matter of fact, Rajaji has been kind enough to accept the plea that something should be done for persons against whom *ex-parte* proceedings take place. He has given him an opportunity of review so that an unfortunate person who could not appear before the court may be fortunate to get his case reviewed. Whereas he has given this concession, the concession is practically nullified to a certain extent by the smallness of the time allowed to come forward with a case. Only 15 days from the date of the *ex-parte* order are allowed. What I submitted was, and I still submit is, that this is not sufficient. I want 15 days from the date of his knowledge. As a matter of fact, if a person knows that proceedings are going on against

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him and does not choose to come to court, I have no sympathy with him. I am afraid that in many cases 15 days from the date of the *ex parte* order may not be sufficient; he may not come to know of the order at all. It is not a question of days; it is a question of knowledge. Even in the case of an *ex parte* decree, what happens, if a person does not know of the decree? One month is ordinarily allowed. If a person does not know, one month from the date of knowledge of the decree is allowed to get the *ex parte* order aside. Suppose, he does not know; what happens? It will be a very hard case. My submission is that this amendment should be accepted by the House: that is 15 days from the date of knowledge of the order should be allowed.

Mr. Deputy-Speaker: The hon. Member's second amendment relates to appeal. An appeal is provided to the High Court in the appeal clause: not on this order, but on the order demanding security.

Pandit Thakur Das Bhargava: That is an entirely different thing. That is exactly my point. Suppose an order is passed and the man does not come to know for three months.

Mr. Deputy-Speaker: So far as the first amendment is concerned, that relates to the date of the cause of action: that is the date of knowledge and not the date of the *ex parte* order. As regards the other amendment, I take it he does not press it. That relates only to a right of appeal to the High Court against the order.

Pandit Thakur Das Bhargava: If the order is not set aside, then, I want an appeal to the High Court. If it is set aside, I do not want an appeal.

Mr. Deputy-Speaker: Even without this amendment, an appeal lies against the original order demanding security whether *ex parte* or otherwise.

Pandit Thakur Das Bhargava: That is an entirely different matter. I want that if an *ex parte* order is not set aside, from that order an appeal should be allowed.

Mr. Deputy-Speaker: The hon. Member will kindly recollect that even under the Civil Procedure Code, if an application to set aside an *ex parte* order is not allowed, he has got the right of appeal against the *ex parte* decree itself. Perhaps he wants both.

An Hon. Member: Is this a proceeding under the Civil Procedure Code that we apply those rules?

Shri Naziruddin Ahmad: An appeal against the *ex parte* decree will be possible only on the merits. The hearing of this application will depend upon the sufficiency of the cause for non-appearance. But an appeal against the decree is not always possible, as there may not be grounds.

Shri Rajagopalachari: I think it is not desirable to complicate the procedure so much like that. The first point as to knowledge was very thoroughly discussed in the Select Committee. It must be remembered that before the non-appearance of the respondent takes place, the registered place, registered keeper, everything has been notified. Manner of service of notice is also provided. When all that is done and an order is passed, surely an order against the keeper of a press or publisher etc. will not be an obscure affair. The whole world will know it and therefore the ordinary provision of 15 days from the date of order should be sufficient.

As regards the other point of an appeal against the non-appearance order only, I submit, if the case goes to the High Court, they can order a re-enquiry in suitable cases; they can set aside the whole order in certain cases. We need not unnecessarily complicate the whole thing. Whole point is the mischief should be prevented. If at every stage we provide long and protracted procedure, the whole object of the enquiry will be defeated. I submit I am unable to accept any alteration of the decision of the Select Committee and their recommendations which are good enough. There is a proviso added for that purpose.

Pandit Thakur Das Bhargava: I will only add that under the Civil Procedure Code the date is from the date of knowledge of the decree. If you want to apply that Code, apply in both the places, or in none.

Shri Rajagopalachari: I would submit that if, for instance, he appeared in a case of this kind, I would tell him, you could tell the High Court that 15 days time was lost for such and such reason, and the High Court has the power to order re-enquiry. On the merits of the appeal, he can put every matter before the High Court.

Shri Naziruddin Ahmad: But, the High Court procedure is very costly.

Mr. Deputy-Speaker: On the *ex parte* order, an appeal lies though not on the order refusing to set aside the *ex parte* order. On an appeal on the merits also, you can ask for a re-hearing.

4 P.M.

I shall put both the amendments to vote.

The question is:

In the priviso to clause 18, for "of the *ex parte* order" substitute "of his knowledge of the order".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In the proviso to clause 18, at the end, add:

"Any person on whose application the *ex parte* order has not been set aside may within one month of such order appeal to the High Court for setting aside the said order."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19.—(*Jury for inquiry*)

Prof. K. K. Bhattacharya: I beg to move:

In sub-clause (3) of clause 19, after "printing presses or news papers" insert "of not less than ten years' standing".

I would request the hon. Minister to consider the desirability of having such men, such journalists or men connected with the profession of not less than ten years' standing. I want to impress upon the hon. Minister the desirability of having such experienced journalists or men connected with the press as jurors so that they may assist the judge with their opinion and experience.

And though I have not put it down as a formal amendment, I would request him to consider also the desirability of omitting the words "or of their experience in public affairs" from this sub-clause. I say this because I do not put much importance on this kind of experience. I do not want men with such experience on the jury. If I understood the Home Minister aright, his idea is to have press-men and men with experience of the profession on the jury. Therefore there is no necessity whatsoever to have men well-versed in public affairs or men of experience in public affairs on the jury. We want men with experience of the press, men with experience of the profession and not those with experience in public affairs.

This is a simple point which I want to make and I hope the hon. Home Minister will accept what I submit for the sake of protecting the interests of the men who may be charged with the offences relating to the clauses provided in the Bill under which they can be brought under the mischief of the law. I do not think that besides these journalists of not less than ten years' experience, you require men of experience of public affairs also on the jury. I hope I am not claiming too much when I request that journalists of not less than ten years' experience should be there to provide a safety measure and for giving real and effective opinion and assistance to the Judge.

Mr. Deputy-Speaker: Amendment moved: In sub-clause (3) of clause 19, after "printing presses or newspapers" insert "of not less than ten years' standing".

Pandit Thakur Das Bhargava: So far as this clause is concerned, I want that the clause be omitted. I am personally very much against this system of juries. As a matter of fact, for the ordinary trials in the country this system of jury is not adopted and I do not see why for the trial of these press-men this system should be adopted. We know that the law of the land should be allowed to prevail in all matters. That is the accepted principle of jurisprudence. In some countries, for instance in France, they have special laws for special people and this system is condemned by Dicey and others. So I submit that if the idea is that with regard to all the offences, this system of jury trial should come to India I can understand its introduction in this case. If that were the idea, I would have welcomed the idea. But I know that is not the idea behind it. The idea is that since very bad things are being done to the press on account of clause 3, forfeiture etc. in this Bill, so, to compensate or counterbalance the thing, they propose the jury system, trial by sessions judge and all that. I am against both and the previous law was better from the point of view of the accused. The press people themselves do not like the jury system. These jury men will be useful only for some rich press people, people who will be able to get the benefit of the assistance of a counsel etc. The ordinary accused will not be benefited. I have some experience of the assessors and how

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they function in Delhi and other places. We the practitioners know how these assessors who are called to assist the sessions judges function and how they are useful. In many legislatures it has been contended that this system of assessors may be taken away. Our Parliament a few months back passed a law in regard to some States—Patiala and others that this trial by sessions judges should be introduced there. And when I went to Patiala the Bar Association asked me "Why are you foisting this thing on us? You yourself disapprove of this system of assessors, why do you want to introduce it among us now?" The fact is, the people themselves do not like this assessor system or the jury system. In practice, my own fear is justice will not be meted out. When we pass a law, we want it to be strictly applied and we should get the full benefit of the law. If the jury system is there, as it is now in our country, in many cases the law will fail to achieve the object in view.

With regard to the accused also, I understand there are rivalries and jealousies among the press people and when one is called upon to sit in judgment over a case, it will be very difficult to give the verdict rightly, and even if there are good people who want to give an honest verdict, they are likely to be misled by the other jurors. Therefore, unless the whole system is changed, unless the whole conception of the people, their habits and traditions undergo a change and the country is made fit for trial by jury, I do not think this system should be introduced here. This will be a failure and I think the press people have not taken kindly to it. I therefore, do not understand in whose interest or for whose benefit this is being introduced. So I submit that in my view this is a sort of discrimination between one sort of enquiry and trial and another sort of enquiry and trial.

Mr. Deputy-Speaker: Are there no juries or assessors in sessions cases?

Pandit Thakur Das Bhargava: Assessors are there to assist the judge, but their opinion is not binding on the judge. We know how these assessors discharge their function. In one case I remember my client telling me that the only service that he wanted from me was to ask the judge to get the pockets of the three assessors searched. He told me that in every one we could find one hundred rupee notes bearing consecutive numbers.

Mr. Deputy-Speaker: But it is optional here.

Pandit Thakur Das Bhargava: When the man has the money and also the assistance of the council he would like to have the jury and defeat the ends of justice. And where are these juries? Ordinarily in the mofussil there are no juries. For the sake of some European and British subjects this system was there in big cities like Bombay, Calcutta and other places. But in other places we have only assessors.

Mr. Deputy-Speaker: I do not know if the Criminal Procedure Code has become so bad recently but, as far as I know, there are juries in sessions courts and additional Sessions Judge's courts and in some cases like murder etc. they have the final voice.

Pandit Thakur Das Bhargava: There are juries in places like Calcutta, Bombay and other places, I do not deny that.

Mr. Deputy-Speaker: No, I am talking about the mofussil.

Pandit Thakur Das Bhargava: But, Sir, I know of Delhi, Patiala, Ajmer and other such places where I have been practising and though I must have done about a thousand sessions cases, they were all tried with the assistance of assessors. The law may require juries, but these juries are confined only to the big cities.

Shri Naziruddin Ahmad: I also oppose this clause. First of all, in the mofussil you will not get enough number of men—there are not enough newspapers in the mofussil. For each district you have to have a set of jurors taken from among newspaper men and men of "experience in public affairs". This vague phrase "experience in public affairs" means practically nothing, or practically everything. Anyone may be taken in as having "experience in public affairs"—even a man who may be haranguing in a street corner may be deemed to have "experience in public affairs". In order to take men who have journalistic experience, your choice in the mofussil would be very limited. That would leave us with a coterie of persons interested this way or that way. There is, as has been pointed out by Pandit Bhargava, rivalry and friendship between different groups of newspapers. This is not mere fancy—the other day the *Statesman* in an editorial gave a serious warning that a jury of this type will have their likes and dislikes. Some newspaper men would be in favour of

certain newspapers others would be against them. So, trial by jury consisting of newspaper men will not be fair and may produce hardship.

Shri J. R. Kapoor: Hardship to whom?

Shri Naziruddin Ahmad: Hardship to the accused who cannot have sufficient influence.

Shri J. R. Kapoor: He need not have a jury.

Shri Naziruddin Ahmad: You cannot have a distinction like this. If you have a jury system, let it apply to all—it should not be made optional. The reply to the query of my hon. friend has already been made, namely that. . . . .

Shri Rajagopalachari: It is not a good thing to repeat.

Shri Naziruddin Ahmad: But the question was put by a friend here who was not following the debate. I plead guilty of repeating, but I was led to commit this crime on account of an interruption.

I submit that in a case of this type the question would be one of construction of the article concerned. That would be more within the province of the Judge and not perhaps within the province of the jury. The judge would be impartial and at the same time be able to give the parties justice in the construction of the article; because we have to deal with written articles and documents in such cases, jurors would not be suitable. And as regards the system of jury itself, we should leave out the option. I therefore submit that the clause should be deleted or altered in such a way as to make the trial either by jury—in which case it should be compulsory for all—or there should be no jury system at all. We are providing for summons case trials and therefore the judge should be enough. In these circumstances, I submit that the provision in the Bill is fraught with danger and I therefore oppose the clause.

Shri J. R. Kapoor: A spirit of opposition seems to have overtaken some hon. Members in this House and it seems they want to object to every clause.....

Shri Naziruddin Ahmad: I object to this insinuation. Do we show any spirit of opposition?

Shri J. R. Kapoor: I am sorry if I have offended.

Mr. Deputy-Speaker: I myself am not in favour of such statements as this. All hon. Members here are interested in their work. Hon. Members are laboriously looking into the Bill and are dealing with it to the best of their light. The hon. Member himself would not like to be told that he persists in taking up a wrong cause. He ought not to make such statements against other hon. Members.

Shri J. R. Kapoor: I was saying something which should have been taken in good spirit by my hon. friend, Mr. Naziruddin Ahmad. I am sorry if I have offended his feelings—it was not my intention to do so and I am prepared to withdraw every word of what I have said.

Shri Rajagopalachari: I am the only person who is entitled to lose temper in this debate.

Shri J. R. Kapoor: So far as clause 19 is concerned, it gives option to the affected journalist to be tried by a jury if he so likes. It extends the liberty of the journalist, as it were; it gives him an additional advantage. If the person affected thinks that his case will be properly tried by a judge alone, without the assistance of a jury, nobody is going to compel him to have a jury; if on the other hand, he feels that his interest would be better served by the case being tried by the Judge with the assistance of a jury, he may be given a trial by jury.

Mr. Naziruddin made out the point that in the mofussil the number of jurors from the journalistic profession would be very small and that there may not be many competent persons to form the panel of jurors. It is not so; if he cares to look at sub-clause (3) of this clause he will find that it lays down that the list shall not be confined to a particular locality but that it shall be a list of competent persons residing within the entire State. A State is a very big area; take the case of U.P., Bengal or Bombay: they are all big States and there will certainly be very many competent journalists in those States who could be put on the list of jurors, and therefore the person affected would have a very wide field from which to choose the jurors.

I therefore submit that the provisions of this clause are in the first instance to the advantage of the affected journalist, and if he thinks that it is not to his advantage then he need not have the advantage of this clause at all and may have his case tried by the sessions judge unaided by any jury whatsoever.

It did appear to me astounding—I speak with all respect to my hon. friend, Pandit Thakur Das Bhargava—that the system of jury should be denounced. All these many years the Congress had been passing resolution

[Shri J. R. Kapoor]

after resolution saying that we should have the system of trial by jury; we have introduced that system in many parts of the country—it is not as if we have that system only in the Presidency towns, we have it even in the mofussil towns, though not in all cases. It is very much appreciated all over. In other cases where the jury system exists trial by jury is compulsory but in this case there is the double advantage: Have the jury if you like or, do not have it if you do not like it...

Shri Rajagopalachari: Regarding the point that we should have men of experience of a particular number of years, I submit it would be rather impractical—otherwise I would be only too glad to accept advice or suggestion from one like Prof. Bhattacharya. It is rather difficult to work it out. In the first place, it is possible to state the number of years a man has gone through official service, but in regard to journalism it is difficult to say when a young gentleman begins his journalistic experience. Therefore, I would rather leave it elastic—I have definitely used the word "experience" in the clause itself in order to indicate the direction in which the choice should be made. More than that, we cannot do and put down the number of years. The phrase "by reason of their journalistic experience.....are qualified to serve as jurors" may also include the element of number of years. As observed by Mr. Kapoor, the whole State is taken as the unit for making the list and there will be a good number of people. It is not likely that young men will be preferred and the senior men will be left out; provided they agree to serve they will all be available, and I am sure they will be on the list.

As to the point raised about men of experience in public affairs, I might mention for the benefit of hon. Members that this was not there in the original draft. It was introduced when members of Government sat together to think about it. It was pointed out that it may be useful to have a certain number of people of that kind who may be chosen alternatively. Since hon. Members have spoken against the whole system, Prof. Bhattacharya would have been able to see that sometimes journalists may even prefer someone else, so that when a choice is made, you can have a sprinkling of other men of public affairs also. It is not the intention to overload it with them. It is not the intention to put this clause here and then get round it and bring in a different set of people. I give you this assurance that the way in which this is worked will give complete satisfaction.

Mr. Kapoor has put forward the necessary points that I wished to make on the main question. He has said that it is open to the person charged not to claim it at all, so that those who do not like this, who do not believe in it, and who agree with Pandit Bhargava that this is not at all a good thing—these people can say to the sessions judge "I really do not want the jury". I really did not like the way in which this suggestion was approached. It is not true in my humble opinion that the jury system or the assessor system has failed. From my experience as a practitioner at the bar, I can say that. I have even now been seeing most important and difficult and grave cases of murder. I have every day to go through them. I must share my view with hon. Members here that I have derived the greatest personal satisfaction when I see the verdict of the assessors and the jurors where they had every reason to go wrong only if they wanted to go wrong, but they have refrained from doing it and they have given their opinions very properly. That is my experience. I do not think that our countrymen are not fit for giving advice to judges in matters of commonsense and daily affairs. Relatively speaking, I have seen that judges go about the matter in a very artificial manner, but the assessors give their opinion very fairly and justly. Pandit Bhargava has perhaps been unlucky in his experience. I have also practised in the courts and in the mofussil courts. Pandit Bhargava does not seem to know that in every case where property is involved, dacoity, robbery and the like are tried by jury and the jury's verdict is final as in British courts. The jury's verdict cannot be set aside unless it is held to be perverse and the High Court accepts that recommendation of the sessions judge. The jury system is widely prevalent and the assessor system is widely prevalent. Judges depend very much upon the opinion of the assessors and accept their opinion in most cases. I think it was unfair to the jury and the assessors who have worked in our country for Pandit Bhargava to have made those remarks. But that apart, we are not dealing here with the ordinary juror and assessor. This is a special jury. Why have I thought of this? Why do I press it? Because I want ultimately the profession themselves to form their own Council of Discipline, as I said the other day. I want them to make a beginning and this is the beginning. If I may say so, here they

can lay a stable foundation for autonomy, so to say, in their own profession and they will finally ask for statutory powers for a council of their own. The suggestion I made the other day has not been badly received, so far as I can judge from what I could ascertain by exchanging ideas with hon. friends in this Parliament who belong to the Press. They seem to like the idea, but they are naturally very hesitant in everything that they do in this case. They will take their time, but this system will give them experience and it will one day make for the disciplinary autonomy of the profession. That is one reason why I suggested it. Another reason why I suggested it was this. What are the issues to be examined in cases of this kind? The difficulties of the press, the matter that is printed—these are the things to be examined. The best judge may make a mistake about it, unless there are professional men to assist him with their opinion. It is a mixed question of matter and law here. Matters relating to scurrility, obscenity and things like that ranging from quality A to quality Z have to be examined. Therefore, it will be of great assistance if the Press would accept this suggestion. I hope they will accept it. If they do not like it, then they have only to tell the judge "I do not want the jury" and the matter is ended. I submit this is the most important part of the whole Bill and the House should accept it.

Shri Naziruddin Ahmad: Supposing the list is one for the whole State, will it not be administratively difficult to collect the jurors from different parts?

Shri Rajagopalachari: These cases do not arise every day. The newspapers are not published only in the local area, but they are of wide importance and circulation, so that it would be useful to have the whole list as one and then the sessions judge will examine the list which has been prepared for the whole State and will call those who are conveniently near, and out of them the accused person will have to choose. The cases will be few and far between, but a fair trial will be given to every case.

Shri Naziruddin Ahmad: Where would the trial be held—in the district within whose jurisdiction the press is situated or where the newspaper is published?

Shri Rajgopalachari: It will depend upon the registered place of the publisher and the printer. But the jurors may come from outside.

Mr. Deputy-Speaker: The question is:

In sub-clause (3) of clause 19, after "printing press or newspapers" insert "of not less than ten years' standing".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20 was added to the Bill.

Clause 21.—(*Admissibility etc.*)

Pandit Kunzru: I beg to move:

In clause 21,

(i) omit "or subsequent"; and

(ii) for "nature or tendency of" substitute "intention of the person in using".

Mr. Deputy-Speaker: Amendment moved:

In clause 21,

(i) omit "or subsequent"; and

(ii) for "nature or tendency of" substitute "intention of the person in using".

Pandit Thakur Das Bhargava: I beg to move:

To clause 21 add the proviso:

"Provided that the person proceeded against in such enquiry as the keeper of the press or the publisher of the newspaper or news-sheet, as the case may be, was the same at the time when the previous or the subsequent issues were produced or published."

I also have other amendments of which I gave notice at one o'clock today.

Shri Rajagopalachari: I do not accept them.

Mr. Deputy-Speaker: Amendment moved:

To clause 21 add the proviso:

"Provided that the person proceeded against in such enquiry as the keeper of the press or the publisher of the newspaper or news-sheet, as the case may be, was the same at the time when the previous or the subsequent issues were produced or published."

Pandit Thakur Das Bhargava: What has happened to the amendments of which I gave notice today at one o'clock? I requested the office specially

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to supply one copy to you and one to the hon. Minister.

Mr. Deputy-Speaker: But I am not allowing fresh amendments which are not agreed to by the Government.

Pandit Thakur Das Bhargava: But I find a copy has been supplied to the Home Minister, if I am not mistaken.

Mr. Deputy-Speaker: He has already said that he cannot accept them.

Pandit Thakur Das Bhargava: But these amendments are different.

I gave these at one o'clock and made a special request that a copy may be sent to the Home Minister also. I have got one copy here.

Mr. Deputy-Speaker: All the same, I have made it a rule, and the Speaker also has done the same thing, that if proper notice is not given for an amendment and if it is brought at the last minute, notice will not be waived unless the Minister-in-charge of the Bill is willing to accept it.

Pandit Thakur Das Bhargava: Then I pray.....

Pandit Kunzru: Sir, you have hitherto been accepting all the amendments which the Home Minister has brought forward at very short notice . . . .

Mr. Deputy-Speaker: It was open to the Hon. Member to have objected.

Pandit Kunzru: ...and the Home Minister had stated that he was prepared to consider amendments of hon. Members even if they are given practically without any notice.

Mr. Deputy-Speaker: Hon. Members will see there is a difference.

Shri Rajagopalachari: I must explain in regard to what Pandit Kunzru pointed out just now that I only agreed to accept late amendments which were intended to give effect to the suggestions and changes made in the House, and if this sort of amendments were not to be accepted, I would not mind it at all.

Pandit Kunzru: The hon. Minister is not correct. Whose views did he give effect to when he brought an explanation saying that intention shall not be considered in determining the effect of writing?

Shri Rajagopalachari: I do not think I was guilty of being beyond time in that instance.

Pandit Thakur Das Bhargava: May I submit for your consideration one small point? I for one do not oppose any amendment that comes from the Home Minister. The reason is that they are brought to put in such things as we would like to be put in in the provisions. Of course, when amendments come from Government, I for one would like that we should be given sufficient notice. In regard to our amendments also that rule would apply. But I would beg of you to consider if the amendments are acceptable. If you do not like them, or if the Home Minister does not agree to them, at least he should consider what we are saying. If he does not like them after considering what they are, then it will be for you to say that they will not be allowed to be moved if they are given notice of on the same day. He must at least look at and consider them. What is the use of saying that he will not even hear us. After all when he gives late notice of amendments, we consent to them, because we feel that the provisions of the law would be made better. So, there is no point in saying that he would not even agree to hear us.

Shri Rajagopalachari: With your permission, Sir, I must make it clear to the House and to the hon. Member that I have not unreasonably said "No" to what he has tried to suggest. The amendment, notice of which he has given at the last moment, would reopen the decisions already reached and I do not wish to argue that point. I wish to save the time of the House and I take advantage of the rule and the practice and say that I cannot take it at this late stage.

Pandit Kunzru: Will you permit the hon. Member to read out the amendment, so that the rest of the House may know it?

Mr. Deputy-Speaker: I am sorry I cannot allow. I waive notice if there is agreement in regard to an amendment. Quoting the hon. Minister himself against him is not proper for the reason that he gives notice of amendment wherever possible to meet the wishes of Members. Had hon. Members only protested that I ought not to waive notice, I would have abided by their wishes.

So far as this amendment is concerned, I do not want hon. Members or the hon. Minister to be taken by surprise. I am sorry I cannot waive notice in this matter.

Shri Deshbandhu Gupta: Is it your ruling that the House cannot join the hon. Member who has given notice of

an amendment at a late stage in requesting the hon. the Home Minister to consider whether that amendment could be acceptable to him. At least the House has no knowledge of that amendment. In fairness to the House the amendment should at least be allowed to be read out. If it appeals to the House, it can make a last-minute request to the hon. Home Minister and also to the Chair to allow consideration of that amendment.

Shri Sidhva: That would be making a distinction. All along it has been the practice followed both by the hon. the Speaker as well as yourself that only such of the amendments as are acceptable to hon. Ministers can be moved though they may not have been given notice of in time. I do not follow why an exception should be made in this case. If you allow that, you will be making a departure the consequences of which would be very grave. There should be one uniform rule—my hon. friend knows it very well. At one o'clock you disallowed many amendments, on the ground that the hon. Minister was not willing to accept them. On what criterion are you going to admit such amendments now. I am strongly opposed to this kind of move.

Shri Deshbandhu Gupta: The reason is very simple. The Bill has not been considered, as it ordinarily should have been considered.

Shri Sidhva: I take objection to that.

Shri Rajagopalachari: I protest against that statement.

Shri Deshbandhu Gupta: The time that should have been allowed is not being allowed at the moment. It is not the intention of the House to obstruct the passage of this Bill. In a situation like this some latitude has to be allowed, particularly when the amendments are given notice of, to improve the Bill. Sir, you are the custodian of the rights and privileges and procedure of this House. You can at least waive the rule and allow the amendment to be read. I do not know what that amendment is. But if it appeals to the House, certainly the House should be given an opportunity to request you and the hon. the Home Minister to consider it.

Mr. Deputy-Speaker: I am sorry I cannot allow this. It is no use allowing it to be read, having a discussion on it and in the end the hon. Minister not agreeing to it. I have asked the hon. Minister more than once and he finds he is not willing to accept it. Therefore, I am not prepared to waive notice. It is not a matter which can be allowed to be read and reread.

Shri J. R. Kapoor: In this case, is it a fact that the hon. Minister knows what the amendment is? In that case he can say "Yes" or "No".

Mr. Deputy-Speaker: I have got a copy of it; the hon. Minister has also a copy of it.

Pandit Thakur Das Bhargava: Sir, since you have been pleased to rule that you are not prepared to accept notice of my amendment, I do not wish to pursue the matter. But I do want to submit for your consideration the point of view which actuated me to give notice of this amendment.

In regard to clause 21, this is a rule of evidence which is sought to be introduced. In the first place my objection is this: this Bill does not say whether the Evidence Act shall apply to this procedure or not. What is the use of taking out one provision from out of the entire Evidence Act and putting it in this Bill? Unfortunately, this was my amendment that the provisions of the Evidence Act should apply here.

Secondly, Sir, you will be pleased to see that so far as clause 20 is concerned, we have made certain amendments in the previous provisions of the Bill. In regard to the definition of the word "sabotage", the word "intention" is used. Then again in clause 3 the word "intention" is used in regard to blackmail. The original explanation is taken from the Act of 1931. You will also be pleased to see that by implication intention is sought to be introduced there by way of defence of the accused. So that it is not, as we were given to understand, as if the intention of the writer is taboo. From the very amendments of Rajaji it appears that the intention of the writer is a material thing which the court shall have to consider in regard to blackmail. Therefore, I submit that the question of intention is very material in any enquiry before a sessions Judge. Unless you have intention in view it will be very difficult to prove any case under part (vii) of clause 3.

Intention can be proved in many ways. One of the ways of proving intention is by admitting previous and subsequent issues. Therefore it is essential that the word "intention of" should be there after the word "proof" in line 4. Rajaji had an Explanation put that the intention of the writer need not be gone into. Why? Because the words are impersonal; the man is not known. But when we find from his own amendments to clause 3 that the intention of the writer is material, I am bound to

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point out that the intention of the writer has been constructively admitted by the hon. the Home Minister to be one which will have to be considered by the court. My submission therefore is that in clause 21 the words should be: "of the proof of the intention, nature or tendency of the words....etc." This was the purport of my amendment.

Taking the provision as it is, you are allowing the previous and the subsequent issues to be given in evidence. Suppose the keeper of the press, when apprised of the fact that a certain editor was behaving in a wrong way and putting something in the newspapers, dismisses him and another man comes and the policy of the paper changes. In that case the previous issue is misleading. Therefore, at least that person to whom the writings are attributed, or the keeper of the press, who is perhaps not responsible for the policy but whom in law we have made responsible for the policy of the things published therein, must be the same. Suppose today the keeper of the press sells his rights and another steps in. The previous person is responsible for one policy, the second man is responsible for another policy. It will be idle to look to the previous or subsequent issues of the paper for finding out the nature or tendency etc. For this rule of evidence to be such as would tend to the promotion of justice it is absolutely necessary that the continuity of the policy must be seen, and unless my amendment is accepted in some cases it will work very great hardship. Suppose I am dismissed today or suppose the keeper of the press leaves the press. Yet the subsequent issues will be taken to determine the policy and the trend of the articles. I do not think that is fair. Unless this precaution is taken to see the identity of the persons and their continuity is established, it is not fair to take into consideration the previous or the subsequent issues of that paper.

There was one more point I submitted. This question will be material in every case. Whether the keeper of the press is a good or a bad man, whether he wants to go against Government and undermine the authority of the State or is a person who is of licentious habits and likes obscenity and other things, what would you consider the criterion to determine? First of all, objectionable matter. You have to see that no innocent person comes in. I have been repeatedly suggesting that knowledge of the person who is responsible, and from whom security is to be demanded, is the first thing. Without that knowledge there is nothing and the entire guilt is gone. To determine the fact of the knowledge alsa you may allow the previous and the subsequent issues of the paper to be given in evidence, so that it may appear this man has been doing things and therefore it may be presumed against him that he knew of the nature of the objectionable matter which is sought to be disseminated. Therefore, if these three or four things are not there, this rule of evidence may work to the disadvantage and detriment of an accused person.

Mr. Deputy-Speaker: Does not the rule of evidence apply to all judicial proceedings?

Pandit Thakur Das Bhargava: Then this clause is absolutely redundant.

Mr. Deputy-Speaker: This is in addition.

Pandit Thakur Das Bhargava: May I submit that this is not an additional rule? Under sections 15 and 16 of the Evidence Act the previous conduct can be seen. Then how do we lose? After all it is a question of burden of proof and not a question of rule of evidence. I want that the ordinary burden of proof in criminal cases may apply in all cases.

Shri Rajagopalachari: I am sorry that one point has been missed. This provision that I have introduced in clause 21 is:

> "In any inquiry before a sessions judge with reference to any newspaper or news-sheet, any previous or subsequent issue of such newspaper or news-sheet may be given in evidence *in aid* of the proof of the nature or tendency of the words, signs or visible representations in respect of which the complaint is made".

It should not be understood to mean that it is only the Government which goes with the complaint that gets the advantage. It is intended for both sides. It is intended to throw light on the nature or tendency of the words which is the subject-matter of the enquiry. Let the thing be clearly understood that this is intended for the benefit or disadvantage of both sides.

Then I proceed to deal with what has been stated about intention. The idea that intention is the main thing to be enquired into in criminal cases and that *mens rea* should be established before anyone is declared guilty has been discussed before. I do not deny it. I only claim that it has no application here. Here we have to

deal with matter and decide whether it is objectionable matter. And what is objectionable? If its likely effect on people is objectionable as described, and not because the man has any particular intention behind the back of his mind. It is the words that have to be judged and the House had an opportunity of discussing the Explanation that I put and the House has come to a decision on that point. It cannot now be permitted that a different decision could be brought in, so to say, by the back door. Intention has been ruled out. It is the nature of the thing itself that has to be gone into.

Pandit Thakur Das Bhargava: May I very humbly point out to the hon. Minister that the words "or intended for blackmail" were subsequently put in there?

Shri Rajagopalachari: I am coming to that. I know how much he depended on that point and we shall see whether there is any substance in that point. For instance in regard to sabotage he referred to the intention to commit sabotage. The intention is there. I will go further. In respect of the offences from (i) to (vii) the persons affected by the words and committing the offence would have the intention also and a criminal mentality. I do not say that intention is not relevant in order to prove the offence against the person who has committed it. But here we are trying to avoid the matter being published which will induce people to commit such intentional crimes. I do not want any matter to be published which induces people to commit criminal acts. The acts must be fully criminal. But the words which I do not like are the words which produce that act. It is not the intention of the newspaper, but of the man who is induced as a result of the newspaper writing; that should be criminal. There is no difference between us on this point. Sabotage is intentional sabotage. But a writing which incites and encourages people to commit intentional sabotage is what I do not want. The writer may have no intention, but the words should be the thing that have to be judged here. So the intention that was brought in by Pandit Bhargava is what is called a red herring drawn across the trail. That has nothing to do with this. The intention of the man committing a murder is to commit murder. It is the writing which produces that intention that we are at. And here it is the writing that we have to deal with, not the intention of the author or anybody else. So we cannot go back in clause 21 to the Explanation which we have already decided upon. I want therefore that that should be left as it was.

Then let us see whether there is any point in the objection raised. As I said, both sides have the advantage. Then the question may be asked: how will it aid at all in the proof of the nature or tendency of the words, signs or visible representations, to bring in old or subsequent issues? It will aid this way. A certain paper has a policy. The readers continue to read it day after day. When the readers read one issue they read the next on the background of the previous issue. What has been stated yesterday is added on to what is said today. The continuity of the paper is there. Therefore it would be wrong on either side, whether for the prosecution or the respondent, to isolate a particular issue. If yesterday the issue contained matter which would throw light on the tendency of the words that are used in the issue of tomorrow or day after tomorrow, it should be open to the court to see that. Therefore, there is nothing unnatural but everything proper and reasonable in saying that when a newspaper or news-sheet is, so to say, under trial, the issues bearing on the subject should be before the court, whether it is wanted by the respondent or the prosecution. Whatever is not relevant, whatever is distant, for instance an old issue of the *Statesman* which was conducted by different persons or an old issue of the *Times of India*, for a more recent example, conducted by Mr. Dalmia—he recently took it over—would the court receive it as evidence? Not at all. That is left to the court. To say whether it throws light on the nature of the words used or not must be left to the court and we cannot decide it by any number of words however skilfully we may collect them together. The relevancy must be left to the court and the values must be left to the court. The only thing provided here is that they shall not be ruled out, whether it is wanted by the one side or the other.

If the word 'intention' be brought in here, I submit it would frustrate the decision which we reached in the Explanation which we adopted to clause 3. Pandit Kunzru had an amendment. Was that moved?

Pandit Kunzru: I just moved it but I have not really spoken about it.

Shri Rajagopalachari: That has a bearing on this. I submit that it cannot be admitted. I am not accepting the amendment. Then I come to the identity of the keeper. I think it is by Pandit Thakur Das Bhargava. He

[Shri Rajagopalachari]

says that the person proceeded against must be the same at the time when the previous or subsequent issues were produced or published. If the object of this is to show that the writing must be patent or have some bearing on the matter, that is attained by what I have already said and which is inherent in the clause itself. But the actual identity is a thing which can be handled by the person very easily and it would not be right to discard any valuable evidence simply because the keeper of the press has changed his name or the publisher or the editor has changed his name. There is no great point attained by the identity of the persons concerned. The real point is what is left to the court to see, the proximity of the thing, the identity of the policy and all things being taken together, If he finds that the evidence has inherent value, he may take it or if not, he may reject it.

Shri Nasiruddin Ahmad: On a point of clarification, may I say this for a drafting improvement? The subsequent issues may be read with a view to help the case. Clause 21 corresponds to section 14 of the Evidence Act, where previous acts and other acts can be proved to throw light on the question of tendency or intention, whether it is accidental or intentional or with knowledge and so forth. Clause 21 is an adaptation of section 14 of the Evidence Act. Therefore subsequent acts which happen after the dispute arises are not admissible. Would it not be better to use a clause like this: "subject to the rules of relevancy so far as subsequent issues are concerned"?

Shri Rajagopalachari: If we assume that clause 21 is only a redraft of section 14 of the Evidence Act, I submit that is not correct. As the hon. Member has already perceived in the course of his argument, if we exclude the accused person, he may not take advantage of what he has done after the event but here it is not that at all. It is left to the court to see whether this is a change of attitude. For instance, even here if a person, who is charged with a gravely objectionable matter, is proceeded against and if he contradicts it totally in an issue which he publishes after the charge has been made, the court will not take it into evidence. I have provided against it.

Shri Nasiruddin Ahmad: But we make it admissible otherwise.

Shri Rajagopalachari: It will be of no value. What is the harm?

Shri Nasiruddin Ahmad: In the normal law it is not admissible at all.

Shri Rajagopalachari: It is also possible that a subsequent issue may throw light. Why should I make it totally inadmissible?

Mr. Deputy-Speaker: If he finds some kind of objectionable matter this will help the accused in saying that he has changed his outlook, and therefore he may do so. Therefore, it will be more useful to him.

Shri Nasiruddin Ahmad: If he persists it is admissible against him, it is an admission which will be used against him but if he tries to explain it away after the dispute arose it is admission in one's favour and admission must be by demonstration.

Mr. Deputy-Speaker: The sponsor of the Bill is willing to say that under ordinary circumstances it is not admissible but he is making a concession in favour of the accused.

Pandit Thakur Das Bhargava: Supposing the objectionable matter appeared on the 1st September and the case was brought up on the 1st of October and in between it is found that he had been writing in a particular strain, that would be very useful evidence.

Shri Rajagopalachari: I would value it.

Mr. Deputy-Speaker: It would apply both after the case and before the case.

The question is:

To clause 21, add the priviso:

> Provided that the person proceeded against in such enquiry as the keeper of the press or the publisher of the newspaper or news-sheet, as the case may be, was the same at the time when the previous or the subsequent issues were produced or published."

The motion was negatived.

Pandit Kunzru: I said I had not spoken on my amendment.

Mr. Deputy-Speaker: He will be satisfied if the hon. Minister replies to it later.

Shri Rajagopalachari: I do not mind but I referred to the amendment and for that reason I asked whether my hon. friend had moved his amendment. At any rate I have explained it.

Mr. Deputy-Speaker: The hon. Member wants to have his say.

Pandit Kunzru: The hon. Minister has made his point of view clear and I am obliged for allowing me also to make my point of view clear. This clause 21 says:

> "In any inquiry before a sessions judge with reference to any newspaper or news-sheet any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature..."

5 P.M.

An inquiry with the aid of a jury before a sessions judge can be held only under clauses 7 and 8 of the Bill. Both these clauses refer only to what a newspaper or news-sheet has published and not what it has been publishing. It seems to me therefore a sessions judge can enquire only into the publication of objectionable matter in a particular issue of a newspaper or a news-sheet. Apart from this the definition of objectionable mater does not now refer to "tendency". It may be said with some justification that it was necessary to produce previous and subsequent issues of a newspaper in their evidence in order to enable the judge to decide what the tendency of the paper was. But the tendency of the paper is not to be considered here nor is the intention underlying the writing to be considered. All that is to be considered is the actual effect of the words used. Why should then the previous and subsequent issues of a newspaper be produced in evidence to prove the nature or tendency of the words? The word 'tendency' ought to be taken out. It is not in conformity with the definition of 'objectionable matter'. The word 'tend' having been deleted from clause 3, the word 'tendency' ought to be deleted from this clause. It is therefore clear that all that the judge will be called upon to consider will be the nature of the words used. I think it is inadmissible to produce previous and subsequent issues of a newspaper to prove the nature of the words used in a particular issue. Apart from this, all that we have to prove and all that the judge is required to do is to come to a decision about the nature of the words. Why should the previous or subsequent issues be used in evidence? It is quite possible that some six months previous to the enquiry the newspaper may have published something that might be regarded as objectionable matter under clause 3. Is that matter to be produced before the sessions judge in order to enable him to decide what the nature of the words used in the particular issue before him is? In any case, there is no reason why the subsequent issues of a newspaper should be used in evidence. The Government can ask a sessions judge to enquire into the publication of an objectionable matter by a newspaper either on the basis of what it has written once or what it has written repeatedly. It could not have known when it asked the judge to make an enquiry that the newspaper would again contain objectionable matter. There is, therefore, no justification whatever for using the subsequent issues of a newspaper as evidence to prove the nature of the words. I think I have succeeded in showing that clause 21 is not in keeping with clause 3 as it has been amended and with clauses 7 and 8 under which an enquiry can be held relating only to a particular issue of a particular newspaper or news-sheet. Thus, clause 21, therefore, goes beyond clauses 3 and 7. On these grounds and on the additional ground that I have put forward, I suggest that this clause be deleted.

Shri Shiv Charan Lal (Uttar Pradesh): I rise to support...

Pandit Kunzru: May I say one word more, Sir? That is, in the Press (Emergency Powers) Act of 1931, it was not provided that the previous or subsequent issues of a newspaper could be used to prove the nature of the words complained of. When the publisher of a newspaper applied to a High Court for setting aside an order against him, a Special Bench consisting of three Judges could only go into the nature of the words complained of by the Government. It was not provided anywhere in the Act that the previous or subsequent issues of the newspaper could be referred to to prove the charge against him or to prove his culpability. Why should Government go not merely beyond the definition of objectionable matter under clause 3, but also against the provisions of the Press (Emergency Powers) Act of 1931? Why should we be more reactionary than what the foreign Government was?

Shri Shiv Charan Lal: I support Pandit Kunzru that the clause be deleted. There is certainly no need for this clause to be here. It is against the Evidence Act. If the Government has got any complaint against any newspaper for publication in different issues, all those can be brought in the complaint that in the issues of such and such dates, he had published such and such objectionable matter and therefore security should be taken from him. If anything had been published in the previous issues, that could be the subject-matter of the complaint. Suppose a matter has been

[Shri Shiv Charan Lal]

published in five issues. Instead of bringing a complaint in respect of one issue and bringing four previous issues as a matter of evidence for purposes of clause 21, it will be better if all the five issues could be made the subject matter of complaint against that newspaper and then an enquiry made. It is not necessary to produce the previous issues.

As to the subsequent issues, if a paper publishes anything in the subsequent issues which is objectionable, a fresh complaint can be made against that newspaper, for that subsequent publication. It is not necessary to take any subsequent issue as evidence against him because that would be against the well-established principles of the Evidence Act. My submission is that from this point of view, this clause 21 is not at all necessary.

As regards the use of the wards "in aid of the proof of the nature or tendency of the words, signs or visible representations", my submission is that the objections raised by Pandit Kunzru are certainly justified. Under clause 3, in the definition of objectionable matter the expression is "any words, signs or visible representations which are likely to incite or encourage...". In this clause we find that the wording is "in aid of the proof of the nature or tendency of the words, signs or visible representations...". Nature or tendency of words was not a thing that comes under the objectionable matter clause. The wording ought to be 'likely to'. These words were written when clause 3 stood as it was previously. Now, after this amendment, the wording ought to be this way, if at all, this clause is to be kept: "...in aid of the proof of the words, signs or visible representations in respect of which a complaint is made whether they are likely to....." The wording ought to be changed; the words 'likely to' ought to be put in instead of the words "nature or tendency of". As I submitted, this clause is not at all necessary because all the previous things can be included in the complaint and as regards subsequent issues, fresh complaints could be made. There is no need to depart from the well established principles of the Evidence Act.

Shri Naziruddin Ahmad: I think that clause 21 is not open to this kind of objection which has been taken namely that we have provided in clause 3 about certain tendencies, and certain likelihood. Here we have introduced the previous issues or subsequent issues to show tendency that is likelihood or the effect. The nature of the tendency should be interpreted as having reference to likelihood or effect. There is no difficulty.

The only difficulty which I feel is about subsequent issues. They may be written with a view to controvert that case in the court. That would be barred under ordinary principles.

Shri Lakshmanan: If the opposition is regarding the use of the word 'tendency', I would suggest the words 'likely effect' may be used instead of 'tendency'.

Shri Rajagopalachari: As was pointed out by Mr. Naziruddin Ahmad and Mr. Lakshmanan, if necessary the word 'tendency' may be substituted by the word 'effect' to remove all artificial kinds of arguments, if I may say so. But, I wish to put it on a broader basis. We have passed an Explanation under clause 3 and it was pointed out that the word "tendency" should not be there. It is not as if we have solemnly taken a vow that the word "tend" should not be used in any form or inflexion anywhere in the whole Bill. After all the word "tendency" is a common English word and it has been used there with a view to the removal of matters which have a tendency to create feelings of enmity etc. After all there is no religious objection to the use of the word "tend" or "tendency". The words "likely to" have been suggested, but we cannot get an appropriate noun from them. If you use the word "likelihood" it would not bear a good sense. Therefore the word "effect" may be used to satisfy this extreme kind of argument and in order to satisfy the qualms of conscience of people in that respect. That is only a minor point, in my humble opinion. I can meet it immediately by putting the word "effect" there instead of the word "tendency".

The substantial point was raised by Pandit Kunzru that in the 1931 Act there was no provision like this. The argument seems to be that nothing should be done now or put down here that is not in the Act of 1931. Surely we cannot act in that artificial manner. But by sheer accident there is a provision in the 1931 Act. The reason why it escaped the vigilant attention of Pandit Kunzru is that the scheme is different as between here and there. There the executive takes the security first and there is no trial. The first trial takes place only when the appeal is taken to the High Court. There in section 26 it says:

> "On the hearing of an application under sub-section (1) of section 23 with reference to any newspaper, any copy of such

newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made."

The draftsmen copied it here without intending any mischief. Now, in the old procedure there was no enquiry. Here enquiry is provided for in the first court as well as an appeal in the second court. So it is provided here in clause 21. So we are not introducing any weapon of repression in clause 21. The only point to see is whether it is a good law or not. Now, if I give instances from particular papers that may be invidious; but suppose a paper with a particular policy appears day in and day out with such matters as come under this Bill. Would it not be a help to the court if it could have the previous and usbsequent issues of the paper—not necessarily 100 years old issues, but issues coming out in recent times, in the normal course of things? It will certainly be helpful to the court to have such issues. Otherwise it will be wrong and will not meet the ends of justice abstractly considered.

As I said, I have no objection to change the word "tendency" into "effect". If it stood in clause 3, surely I cannot, by the introduction of the word "tendency" here by enlarging the scope of the objectionable matter under clause 3. Anyway, in order to remove apprehensions or to avoid more arguments, I agree to change the word into "effect".

I do not think there is any other point to be met.

Mr. Deputy-Speaker: The question is:

In clause 21, "or tendency" substitute "and effect".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In clause 21,

(i) omit "or subsequent"; and

(ii) for "nature or tendency of" substitute "intention of the person in using".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 21, as amended, stand part of the Bill".

The motion was adopted.

Clause 21, as amended, was added to the Bill.

Clause 22.—(*Appeal to High Court etc.*)

Pandit Thakur Das Bhargava: I just want to say a few words in congratulating the hon. Home Minister on the change that he has made in clause 22 of the Bill. Previously the Hight Court was unable to go into many matters. Now the High Court will have full powers to go into the entire matter that will crop up before the sessions judge. It is a very good change and a change that we all wanted. I think this is a clause which will be liked most by the House.

Clause 22 was added to the Bill.

Clause 23.—(*Application to High Court etc.*)

Amendment made:

In clause 23, after "of section 9", insert "or by any order under subsection (2) of section 11".

—[*Pandit Thakur Das Bhargava*]

श्री भट्ट : उपाध्यक्ष जी, इस में जो आखिरी हिस्सा है वह यह है "may pass such consequential or incidental orders" इस के लिये हमारे भाई रथनास्वामी जी ने प्रश्न उठाया था और माननीय गृह मंत्री जी ने स्वीकार किया था कि कम्पनसेशन (compensation) का भी समावेश इस में हो जाता है। तो इसका खुलासा यहां कर दें तो अच्छा होगा।

[**Shri Bhatt:** Sir, the last part of the clause is "may pass such consequential or incidental orders", regarding which our colleague Shri Rathnaswamy had raised a question and the hon. Home Minister had admitted that compensation was included in it. It would be better if it is still more elaborated.]

Shri Rajagopalachari: But that is not here; it is in the High Court.

Pandit Thakur Das Bhargava: How in the High Court? I take strong objection to that. It is a matter to be decided by the civil court. The suit is against the officer and the officer makes a defence. How can the.....

Mr. Deputy-Speaker: It must be an independent proceeding.

[Mr. Deputy-Speaker]

The question is:

"That clause 23, as amended, stand part of the Bill."

The motion was adopted.

Clause 23, as amended, was added to the Bill.

Clause 24.—(*Procedure in High Court*)

Pandit Kunzru: I beg to move:

To clause 24, add the proviso:

"Provided that every appeal under section 22 and every application under section 23 shall be heard and determined by a bench of the High Court composed of at least two judges."

At present an application against an executive order demanding a security or forfeiting a security or forfeiting the press is considered by a special bench of three Judges, but there is no guarantee that in future appeals and applications will be considered in the same way. It is true that before the matter goes before the High Court there will have been an enquiry by a sessions judge, but in spite of this it is necessary that the matter should be considered by a bench of at least two Judges. Clause 24 leaves the High Courts to frame rules to regulate the procedure in respect of cases submitted to them under clauses 22 and 23. As the High Courts are already overburdened with work, as large numbers of cases are in arrears, it is quite possible that the rules of procedure framed by the High Courts may be such as to enable a single Judge to consider an appeal or an application under this Bill. I think that the matter to which the Bill relates is of such great importance that it ought to be statutorily provided that an appeal or application shall be considered by a bench of not less than two judges. This is not too much to ask, but I know that my hon. friend, the Home Minister does not understand adequately when it is wise to yield. This suggestion has been made to him before and rejected by him, but the interests of justice require that the matter should be discussed publicly even though the amendment may be rejected by Government.

Shri Rajagopalachari: I am afraid that Pandit Kunzru is right—I do not know when it is wise to yield. I do not think that there is any wisdom particularly involved in this matter we should see what is right and what is wrong. As far as I am concerned, there is no question of wisdom here at all, but there may be from the point of view of hon. Members of the House. But I have come to this conclusion after fairly long experience in life: that it is wise to be right and to avoid what is wrong, and the highest and most successful form of wisdom consists only in that and I am sure Pandit Kunzru also will heartily approve of this.

I have put it in this form, but what he has said, in substance, on the issue is this: He says, you have given full autonomy in this matter to the High Courts and they can make their own rules, but, he says, they have not enough time and they may not therefor give me the luxury of three judges and four judges sitting together to try this objectionable matter—whether a particular thing is obscene, or whether a particular thing is likely to lead to sedition, and the like. They may not have time; and if they have no time, and if the High Courts are what we have to go to, and if there is no way of solving the question, is there any object in putting a compulsory provision in this clause? Is that the way to deal with the highest Court in the land? He may well say, appoint more judges and enlarge the time available to the High Court, and so on. But that is not possible to be done in the Bill here. So, as far as it is possible for me to provide for just trial and decision in these matters, I have provided that the High Court shall deal with the matter in all the issues involved including every question of merit; I have also given powers to the High Courts to make their own procedure—I cannot go further than this. And at any rate, I do not know why the hon. Member believes, as in the olden days, that three judges are better than one judge. Today one judge is against the Government—if three judges sit there is greater chance of the Government getting a decision in its own favour.

Pandit Kunzru: I asked for two judges and not three.

Shri Rajagopalachari: I see—so that there may be equality of votes and further time allowed for disputation? I submit that is an additional reason why it should be left entirely to the High Court to decide the matter.

Pandit Kunzru: Change the present law then.

Mr. Deputy-Speaker: I will put the amendment to vote.

Shri Rajagopalachari: I do not think he would press it.

Pandit Kunzru: Yes, Sir, I do. I am by nature as obstinate as my hon. friend.

Shri Rajagopalachari: So that the rule of wisdom does not apply to him.

Pandit Kunzru: I am younger than the Home Minister.

Shri Rajagopalachari: I was sure he and I agreed on this point, and it is better to be right than try to be wise.

Pandit Kunzru: I believe in being to the left, and he believes in being to the right.

Mr. Deputy-Speaker: The question is:

To clause 24, add the proviso:

"Provided that every appeal under section 22 and every application under section 23 shall be heard and determined by a bench of the High Court composed of at least two judges."

The motion was negatived.

Shri Rathnaswamy: I wanted to say a word on this clause, Sir.

Mr. Deputy-Speaker: Not now.

Shri Rathnaswamy: I did not have an opportunity of speaking.....

Mr. Deputy-Speaker: I have allowed hon. Members to speak not only on the amendments but on the whole clause.

Shri Rajagopalachari: He did not exactly know the time—he just came in.

Shri Rathnaswamy: I want to speak on the clause.

Mr. Deputy-Speaker: I am allowing hon. Members every opportunity to speak, but they cannot come at their leisure and be taken by surprise. I allow those who move amendments to speak, I also allow other hon. Members to speak. If the hon. Member is not alert I cannot help it.

The question is:

"That clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

Clause 25.—(*Penalty for keeping press etc.*)

Amendment made:

In sub-clause (1) of clause 25, for "of books or papers" substitute "or publishing any newspaper, news-sheet, book or other document".

—[*Shri Lakshmanan*]

Pandit Thakur Das Bhargava: I beg to move:

In sub-clause (1) of clause 25, for "keeps in his possession" substitute "who is the keeper of".

In the whole Bill, we have used the words "keeper of the press" in a certain sense. It is not the possession that is criminal. It is the use that is made of the press that is criminal. Therefore possession by itself, even without knowledge or the other ingredients, is meaningless and cannot be a crime. To put the right thing in the right place, I have suggested this amendment.

Shri Rajagopalachari: I accept it. But the amendment should be slightly altered, that is, for "keeps in his possession" we should substitute "is the keeper of". Then only it will fit in.

Pandit Thakur Das Bhargava: I agree to the change.

Mr. Deputy-Speaker: The question is:

In sub-clause (1) of clause 25, for "keeps in his possession" substitute "is the keeper of".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

Clause 26.—(*Penalty for disseminating etc.*)

Shri Lakshmanan: I beg to move:

Omit sub-clause (2) of clause 26.

Pandit Thakur Das Bhargava: By mistake my amendment has been typed wrongly and instead of clause 26 the words are clause 25.

Shri Naziruddin Ahmad: I beg to move:

In sub-clause (1) of clause 26, after "news-sheet" insert "knowing or having reason to believe that it was an unauthorised newspaper or an unauthorised news-sheet".

Shri Rajagopalachari: I think in substance it is the same as the amendment of Pandit Bhargava. But may I point out to Pandit Bhargava that there is no question of "for the first time" in this clause. It is used in two places only in clause 25 and the amendment has therefore not been wrongly typed as he suggests.

Pandit Thakur Das Bhargava: It is an error, Sir. In clause 25 it is unnecessary.

Mr. Deputy-Speaker: Anyhow, Mr. Naziruddin's amendment is in identical terms. Let him speak.

Shri Naziruddin Ahmad: With regard to clause 25, we have ruled out *mens rea* because it relates to the keeper of the press or the publisher of a newspaper, who is expected to know whether a book or newspaper is being published without the required security being deposited. But clause 26 stands on a different footing. It punishes the sale and distribution of a newspaper by any person. The seller or the street-vendor of a newspaper may not be aware that the newspaper is an unauthorised newspaper or an unauthorised news-sheet. Therefore, in order to punish him I want to make it necessary for him to know that the paper is unauthorised or that he has reason to believe so. If we do not introduce the element of *mens rea* in this case, probably an innocent vendor may be published. So far as the ordinary vendor in the railway stalls or in the streets is concerned, he should be protected from conviction without his having any moral responsibility at all.

With regard to sub-clause (2), I move that it be omitted. We have created an offence of abetment. I think it is going too far if you say that keeping for sale or distributing is an abetment We are trying to catch a large number of small fries who may not be concerned at all except in an innocent manner. I submit that this sub-clause should be deleted firstly because it is unnecessary and secondly because it creates an artificial offence. The offence is made cognizable, for the use of the word 'may' indicates that. The result would be that suddenly when a newspaper is being sold the police will sweep upon the man and create dislocation and trouble. Mere selling and abetment to selling should not be brought within the net of criminality.

Shri Shiv Charan Lal: I support the amendment of Shri Naziruddin Ahmad. It is very necessary that a person who sells or keeps for sale an unauthorised newspaper must have knowledge, or must have reason to believe that it was an unauthorised newspaper. This is very reasonable. Otherwise, if a paper had been declared unauthorised in the morning and say an hour after a vendor was found keeping copies of those newspapers, he will be prosecuted under this clause. Any amount of argument that the man could not have known that the paper was declared unauthorised in the morning an hour back would not save him. Therefore, it is necessary to provide some reasonable scope that he must have knowledge of its having been declared to be unauthorised. It must have been proclaimed by beat of drums or by publication in papers that it has been declared an unauthorised newspaper. Then and then only should that man be declared guilty under this clause.

I may in this connection quote one example. Under the Defence of India Rules so many orders were made by the Government banning the transport of many articles. It has been held in a case...

Shri Rajagopalachari: Is it necessary to go into illustrations? I accept the amendment of Shri Naziruddin Ahmad. I also accept the amendment for the deletion of sub-clause (2), subject to the condition that I propose putting in a new clause after 33 by which all offences under this law will be treated as cognizable offences, because these are not private cases. These are public cases. Cognizable means that the enquiry shall be held by a public officer. It is absolutely necessary to have a general clause for all offences under this Bill.

Shri Lakshmanan: My object in seeking deletion of sub-clause (2) is that it provides for the cognizability of offences coming under sub-clause (1) only, whereas I have given notice of another amendment for incorporation of a new clause 33-A which makes all offences punishable under this Act cognizable. Even though Mr. Naziruddin Ahmad has given notice of an amendment for deletion of sub-clause (2), I seek its deletion entirely on different grounds.

Shri R. K. Chaudhuri: So the hon. the Home Minister is agreeable to the deletion of sub-clause (2)?

Shri Rajagopalachari: I agree to its deletion on the grounds explained by Shri Lakshmanan. It should not be urged against me later that I have misled the House.

Shri Rathnaswamy: May I submit to you, Sir, that it would be much better if the whole clause is omitted.

Mr. Deputy-Speaker: Notwithstanding the acceptance of the amendment of Mr. Naziruddin Ahmad?

Shri Rathanaswamy: I am afraid that even granting that the distributors knowingly distributed or sold the newspapers, the punishment shown here is a little too severe.

Mr. Deputy-Speaker: But the hon. Member has not given notice of any amendment.

Shri Rajagopalachari: Ordinarily it will be the agents who will be proceeded against, because no evidence of knowledge can be proved against hawkers.

Shri Rathnaswamy: Instead of putting such a severe punishment as six months, I want to submit that it may be just a week or a fine of five or six rupees, or both.

Shri Rajagopalachari: I cannot accept this suggestion. Since I have accepted the knowledge clause, it cannot be executed at all against such persons as hon. Members are thinking of. It can only be executed against authorised agents and others who are high class people and they will not mind paying the fine.

Mr. Deputy-Speaker: The question is:

In sub-clause (1) of clause 26, after "news-sheet" insert "knowing or having reason to believe that it was an unauthorised newspaper or an unauthorised news-sheet".

The motion was adopted.

Shri Rajagopalachari: I suggest that Mr. Lakshmanan's amendment may be put to the House, because it is my responsibility to tell the House that this will come again.

Mr. Deputy-Speaker: The House is aware that it has not been omitted unconditionally. I shall put this to the House on the understanding that it will not bar the amendment to be moved by Mr. Lakshmanan being taken at a later stage. Of course, that will stand on its own merits.

The question is:

Omit sub-clause (2) of clause 26.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Clauses 27 to 30 were added to the Bill.

Clause 31.—(*Return of security etc.*)

Shri Bhatt: I beg to move:

(i) In part (a) of clause 31, for "two years" substitute "one year".

(ii) In part (b) of clause 31, for "three years" substitute "two years".

Pandit Thakur Das Bhargava: I beg to move:

In part (b) of clause 31, for "three years" substitute "eighteen months".

My amendment for part (a) of this clause is the same as that of Shri Bhatt.

Mr. Deputy-Speaker: Amendment moved:

(1) In part (a) of clause 31, for "two years" substitute "one year".

(2) In part (b) of clause 31, for "three years" substitute "two years"

(3) In part (b) of clause 31, for "three years" substitute "eighteen months".

श्री भट्ट : मैं नहीं मानता हूं कि इस में कोई लम्बी बहस करने की जरूरत है । लेकिन अगर किसी ने एक साल तक अपना चाल चलन अच्छा बता दिया है तो उस को एक साल में उस का सिक्योरिटी डिपाजिट (Security deposit) वापस मिल जायगा । यहां दो साल रक्खा गया है, मैं ने सुझाया है कि एक साल में वापस मिल जाय । दूसरे जो सिक्योरिटी ली है वह तीन साल के बजाय दो साल में वापस मिल जाय, इस प्रकार का सुझाव है । मैं नहीं मानता हूं कि इस में माननीय गृह मंत्री को कोई खास आपत्ति होगी ।

[**Shri Bhatt:** I do not think that it needs a long discussion. But if in one year anybody proves his character to be good, he will get back in that period his security deposit. Here the period has been fixed as two years, but I have suggested that it may be returned in one year. The other suggestion is that the security be refunded in two years in place of three years. I don't tnink the hon. Home Minister has any particular objection to it.]

Pandit Thakur Das Bhargava: In regard to this two years and three years, the present rule under Section 108 of the Criminal Procedure Code is that the period is one year. I think those persons who have experience of courts generally know that the period is one year for security, though I agree that a person can be put in jail for more than a year. If the imprisonment is for more than one year, his case is sent up to the High Court. My submission is that so far as this provision is concerned, it will not only be better observed but it will have a better effect if you put one year. If you put two years or three years, then the period is too long. Human life is so short that if you put in one year, every person would like to be of good behaviour and would like to get back his secu-

[Pandit Thakur Das Bhargava]

rity. Therefore, I submit and I would appeal to the Hon. the Home Minister to consider the matter sympathetically and make it "one year" for "two years" and "18 months" for "three years".

Shri Rajagopalachari: We cannot weigh this in golden scales. It is only a question of time. It is two years first and if he is found guilty of another offence, then a further security is asked for. Then it is three years. Now, it is suggested by Shri Gokulbhai Bhatt that it should be "one year" for "two years" and "two years" for "three years". Pandit Thakur Das is more greedy and he wants only 18 months instead of three years. The only consideration which I want the House to keep before its mind is this: Much of this one year will be lost in the proceedings in the High Court, here and there, so that there will hardly be any effective period in which the security will remain. Therefore I would rather keep the first as two years. We can have the same two years in both cases. The matter may rest at that.

Mr. Deputy-Speaker: The question is:

In part (a) of clause 31, for "two years" substitute "one year".

The motion was negatived.

Pandit Thakur Das Bhargava: I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

In part (b) of clause 31, for "three years" substitute "two years".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 31, as amended, stand part of the Bill."

The motion was adopted.

Clause 31, as amended, was added to the Bill.

Clause 32.—(*Bar of jurisdiction*).

Pandit Thakur Das Bhargava: I beg to move:

(i) In clause 32, after "against all persons" insert "who were parties to the proceedings".

(ii) In clause 32, omit:

"and no proceeding purporting to be taken under this Act shall be called in question by any court except the High Court on appeal or application under section 22 or section 23."

(iii) In clause 32, omit:

"and no civil or criminal proceeding except as provided by this Act shall be instituted against any person for anything which is in good faith done or intended to be done under this Act."

I have given repeated arguments that this order should not be conclusive against persons who are not parties to the proceedings, as the persons who are not parties to the proceedings cannot be bound by any canon or principle of justice. A person who has not come to the court and who has not been heard, at his back, a decision is given, and then this clause says that it will be conclusive against him. I have to submit that in cases of this nature, our Constitution under article 19(1) (f) gives full rights to every citizen. If a person holds a press only on lease for two years or three years, he has got really no rights in that press, and if the press is forfeited, it will not be his property, but somebody else's property. The property of another person should not be allowed to be forfeited in this manner. If this occurs, even in cases of mortgage, this is likely to happen. Many other instances can be given and have been given. This provision is against the fundamental principles of our Constitution. I want that only those parties should be bound who are before the court, because after all it is a question between two parties. My submission is that I am opposed to the statement that it will be conclusive against him. My submission is this that according to the Civil Procedure Code, every person whose rights are affected... ..

6 P.M.

Shri Kamath (Madhya Pradesh): Sir, I am sorry to interrupt but the list of business shows half an hour discussion at 6 P.M. What fate has overtaken it?

Mr. Deputy-Speaker: Certainly. Does the hon. Member Dr. Ram Subhag Singh want to raise discussion on points arising out of answer given to unstarred question No. 239 on the 14th September regarding transfer of Bholaganj Bazaar Post Office to Pakistan?

Shri Rajagopalachari: I beg the hon. Member not to press it now.

Mr. Deputy-Speaker: I take it that the hon. Member is not anxious to take it up now.

Shri Kamath: It is unfortunate.

Mr. Deputy-Speaker: The House will now proceed with the motions for delimitation of constituencies.

MOTIONS *RE* DELIMITATION OF CONSTITUENCIES ORDERS

PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (BOMBAY) (AMENDMENT) ORDER

The Minister of Works, Production and Supply (Shri Gadgil): I beg to move:

That in the Delimitation of Parliamentary and Assembly Constituencies (Bombay) (Amendment) Order, 1951, after item No. 2, the following new item No. 2-A, be inserted, namely:—

'2-A. In Table A.—Parliamentary Constituencies of the said Order,—

(i) against the entry "Ahmednagar North" in column 1, the words "Nandgaon Municipal Area" in column 2, shall be omitted; and

(ii) against the entry "Nasik Central" in column 1, the words "Nandgaon Municipal Area and" in column 2, shall be omitted.'

Shri Deogirikar: I have also tabled the same motion.

Shri Gadgil: I beg to move:

That in the Delimitation of Parliamentary and Assembly Constituencies (Bombay) (Amendment) Order, 1951, after item No. 3, the following new item No. 3A be inserted, namely:—

"3A. In Table B.—Assembly Constituencies of the said Order,—

(i) against the entry "North Malegaon" in column 1, for the existing entry in column 2, the following entry shall be substituted, namely:—

"Malegaon Municipal Area and Malegaon Taluka excluding such of the villages as are specified in item (36) of the Appendix.";

(ii) against the entry "South Malegaon-North Nandgaon" in column 1, for the existing entry in column 2, the following entry shall be substituted, namely:—

"Such of the villages of Malegaon taluka as are specified in item (36) of the Appendix; and Nandgaon taluka (excluding such of the villages as are specified in item (35) of the Appendix)."; and

(iii) against the entry "Yeola-Nandgaon" in column 1, the words "Nandgaon Municipal Area" in column 2, shall be omitted.'

Shri Deogirikar: I beg to move:

That in the Delimitation of Parliamentary and Assembly Constituencies (Bombay) (Amendment) Order, 1951, after item No. 3, the following new item No. 3A be inserted, namely:—

'3-A. In Table B.—Assembly Constituencies of the said Order, against the entry "Yeola-Nandgaon" in column 1, the words "Nandgaon Municipal Area" in column 2, shall be omitted.'

COUNCIL CONSTITUENCIES (UTTAR PRADESH) ORDER

Dr. C. D. Pande (Uttar Pradesh): I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

'1. That in the Table, under the heading "Local Authorities' Constituencies", against the entry "Uttar Pradesh, North East (Local Authorities)" in column 1, for the word "Shahjahanpur" occurring in column 2, the word "Budaun" be substituted.

2. That in the Table, under the heading "Local Authorities' Constituencies", against the entry "Uttar Pradesh Central (Local Authorities)" in column 1, for the word "Budaun" occuring in column 2, the word "Shahjahanpur" be substituted.'

PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (MADHYA PRADESH) (AMENDMENT) ORDER

Shri Gadgil: I beg to move:

(1) That the following modification be made in the Delimitation of Parliamentary and Assembly Constituencies (Madhya Pradesh) (Amendment) Order, 1951 laid on the Table on the 20th September, 1951, namely:

'That in sub-para. (i) of para. 3 of the Order, for the words "Ordnance Factory; Khamaria, Gun Carriage Factory" the words "Ordnance Factory Khamaria, Gun Carriage Factory Estate," be substituted.'

(2) That the following modification be made in the Delimitation of Parliamentary and Assembly Constituencies (Madhya Pradesh) (Amendment) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

That at page 1, after para. 3(i) of the Order, the following new sub-paras (ia) and (ib) be inserted, namely:—

'(ia) against the entry "Nagpur I" in column 1, for the existing entry in column 2 the following entry shall be substituted:—

"Ward No. 1 including villages Somalwada Chichabhuwan, Ajni, Wards Nos. 2 to 4, 7, 37 and 38 and Ward No. 39 including villages Borgaon, Hazaripahad and Dhaba, Wards Nos. 40, 41

[Shri Gadgil]

including villages Kachimeth and Sonegaon Sim and Ward No. 42 including villages Jaitala, Bhamti, Sonegaon (Bazar), Khamla, Takali Sim, Parsodi and Shiwangaon of Nagpur City of Nagpur tehsil.";

(ib) against the entry "Nagpur IV" in column 1, for the existing entry in column 2 the following entry shall be substituted:—

"Ward No. 8 including villages Babulkheda Sakardara, Manewada, Chikhali Khurd, Ward No. 10 including villages Harpur, Dighori, Bidpeth and Wathoda, Ward No. 22 including villages Hiwari, Pardi, Bhandewadi, Chikhali (Deosthan), Punapur and Bharatwada, Wards Nos. 23 and 24 including villages Kalamna, Wanjara and Wanzari, Wards Nos. 29 to 32, Ward No. 33 including Nari, Ward No. 34 including Takali (Big) and Gorewada, Ward No. 35 including villages Nara, Indore and Mankapur and Ward No. 36 of the Nagpur City and Nagpur R.I.C. (excluding patwari circles Nos. 1 and 10 to 12) of the Nagpur tehsil.";".

Shri Abdus Sattar (West Bengal): Sir, my motion for modification of the Delimitation of Council Constituencies (West Bengal) Order is the same as moved by Shri S. C. Samanta in this respect.

PRESS (INCITEMENT TO CRIME) BILL—*contd.*

Pandit Thakur Das Bhargava: By virtue of my first amendment the proceedings shall be binding only against persons who were parties to the proceedings and in my second amendment I desire that the ordinary rights of the individuals, as we understand them, should not be taken away by virtue of this clause. Under the ordinary provisions of the Civil Procedure Code, every person whose civil right is affected has a right to come to the court and get relief. Therefore, if these words remain here, all rights of the individuals or of citizens shall be taken away if they have any specific rights in any property. Therefore, I submit that my amendment should be accepted.

I would like to go further and speak something on my third amendment also. With regard to that some point was raised by Mr. Rathnaswamy who said that in proper cases compensation should be given. The Home Minister was pleased to reply that so far as the public servants are concerned, they have a certain discretion in the matter. I do not deny that. Under section 76 of the Indian Penal Code, among general exceptions it is provided that if a person acts in good faith or by reason of a mistake of fact, then no proceedings can be taken against him. But at the same time I do not see why under every Bill that is brought before us by Government these words are super-added. If the law is there—and we know the law is there—then where is the necessity to add this. I suggest that the ordinary safe-guards which exist in the law of the land apply to everybody who acts in a fair manner.

Mr. Deputy-Speaker: How does it make any difference?

Pandit Thakur Das Bhargava: If it does not make any difference, then what is the difficulty in accepting the amendment? Why do you want to emphasise it?

Mr. Deputy-Speaker: By way of abundant caution.

Pandit Thakur Das Bhargava: There should be caution but it should not be abundant caution. Where liberty of the citizen is concerned, every public servant should be cautious, abundantly cautious that he does not invade it. Now by inserting these words in every Act, it means every man is given a license. In this country, as you know, the law is that even if a Judge decides a case maliciously a suit for damages can be brought against him. So, if you go on emphasizing that good faith is there, then everybody will think that it will come under good faith. In future such provisions should not be inserted and we must make it a principle.

Shri Shiv Charan Lal: In support of the first amendment I submit that if this clause 32 remains as it is, it will hamper very much the trade of printing works and presses. At present those who keep the presses or who run them have to borrow money from others and for that sometimes they have to mortgage their printing presses and sometimes they have to get the money as a charge on them. In most of the cases, that is so. If you put this clause then nobody will finance any press business. Because he might think that at any time it might come under the clutches of clause 32 of the Press Act and the press may be forfeited, and then he will lose all his money. That will go certainly against the civil rights of the public. The civil rights are that the acts as they are, are to be honoured. If a man borrows money on the charge or mortgages a press, then certainly Government should see that no action taken in this respect adversely affects the lender. Otherwise this will put a great stop to the whole business and will be very much harmful for this whole business.

The clause as put in by Pandit Bhargava will give scope of protection to those who honestly have advanced money for those presses. Therefore, I submit and I would request the hon. Minister to accept this amendment and not put a stop to this industry and ruin the industry.

Shri Rajagopalachari: I submit that the appeal to me—I wish I could have accepted it—but what I feel is that if we accept such a suggestion, the whole of this Bill will be frustrated. Every printer will begin by mortgaging it cent per cent and then thereafter he will proceed with it. Both sides must be considered. If this is accepted, I promise everyone will begin first an anti-Press Bill mortgage. That will be the first thing. Then nothing can be done with it. I submit this should not be looked at in this manner. Forfeiture should be a Government affair. It is not a kind of competition with mortgagors or mortgagees. Here is a case where Government have gone and taken all steps for proceedings and then an order is passed. Are we to frustrate the whole thing? Even the ordinary revenue sale is free of previous charges. What is the idea of moving these amendments? I cannot accept it.

As for the abundant caution argument if caution is good, abundant caution is also good. But the question is whether we should depart from the usual practice and remove it as a kind of homage to the importance of pressmen as distinguished from all other Acts. I think this is a very ordinary provision, and no pressman has objected to this.

Mr. Deputy-Speaker: The question is:

In clause 32, after "against all persons" insert "who were parties to the proceedings".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In clause 32, omit:

'and no proceeding purporting to be taken under this Act shall be called in question by any Court except the High Court on appeal or application under section 22 or section 23."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In clause 32, omit:

"and no civil or criminal proceeding except as provided by this Act shall be instituted against any person for anything which is in good faith done or intended to be done under this Act."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 32 stand part of the Bill."

The motion was adopted.

Clause 32 was added to the Bill.

Clause 33.—(*Bar of double penalty*)

Pandit Thakur Das Bhargava: I beg to move:

For part (a) of clause 33, substitute:

"(a) no keeper of a press or publisher of any newspaper or news-sheet shall be prosecuted under section 25 if for the same act or omission such person has been proceeded against under sections 4, 5, 7 and 8 nor shall any such person be proceeded against under sections 4, 5, 7 and 8 if for the same act or omission such person has been proceeded against under section 25."

Clause (2) of article 20 of the Constitution says that "no person shall be prosecuted and punished for the same offence more than once". I quite realize that the hon. the Home Minister has made some change in the original provisions of this Bill to the effect that if a forfeiture results as a result of the proceedings which take place under clause 6 or clause 9, then in that case there will be no prosecution under clause 25, so that he has accepted the principle that a person should not be prosecuted and punished twice. But my difficulty is that he has only partially accepted it. If there are proceedings against any person and the result is that the court, after sufficiently long proceedings, discharges the person, then under the ordinary principles of section 403 of the Criminal Procedure Code no further prosecution shall be launched against him under clause 25. Similarly, I maintain that if a person has been proceeded against under clauses 4, 5, 7 and 8, even then he should not be prosecuted under clause 25, and *vice versa*. If a person has been, as a matter of fact, discharged under clause 25 then he should not be proceeded against under the provisions of clauses 4, 5, 7 and 8. There are two words "prosecuted" and "punished". It is not a question of punishment alone. It is wrong to think that forfeiture is the only punishment. The taking of security, the going into court for a year or so, attending the High Court and all that, they also after all constitute some sort of penalty to every person proceeded against. When

[Pandit Thakur Das Bhargava]

an order is in favour of the accused and he is discharged either by the High Court or by the first court, then there is no reason why that order should be disregarded and proceedings allowed to be taken under clause 25. Therefore my submission is this.....

Shri Rajagopalachari: Sir, I shall accept the amendment, but I would like to point out that it is not only part (a) that is to be substituted but the whole clause. It covers the whole clause and not part (a).

Mr. Deputy-Speaker: I shall put it as modified.

The question is:

For parts (a) and (b) of clause 33, substitute:

"no keeper of a press or publisher of any newspaper or news-sheet shall be prosecuted under section 25, if for the same act or omission such person has been proceeded against under section 4 or section 5 or section 7 or section 8 nor shall any such person be proceeded against under section 4 or section 5 or section 7 or section 8, if for the same act or omission such person has been prosecuted under section 25."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 33. as amended, stand part of the Bill."

The motion was adopted.

Clause 33, as amended, was added to the Bill.

New Clause 33A

Shri Lakshmanan: I beg to move:

After clause 33, insert:

"33A. *Cognizilibity of offences under this Act.*—Notwithstanding anything contained in the Code, any offence punishable under this Act and any abetment of any such offence shall be cognizable."

Hon. Members: This amendment is not with us.

An Hon. Member: It was a pocket amendment.

Mr. Deputy-Speaker: What is the attitude of the hon. Minister?

Shri Rajagopalachari: Sir, as I had said before. I shall accept it.

Mr. Deputy-Speaker: In that case I waive notice of the amendment.

Shri Naziruddin Ahmad: About the question of admissibility have we no voice in the matter?

Mr. Deputy-Speaker: Admissibility is entirely with the Chair.

Shri Naziruddin Ahmad: Subject to.....

Mr. Deputy-Speaker: There is no question of subject to. I will give hon. Members an opportunity to discuss it.

Amendment moved:

After clause 33, insert:

"33A. *Cognizilibity of offences under this Act.*—Notwithstanding anything contained in the Code, any offence punishable under this Act and any abetment of any such offence shall be cognizable."

Code means the Criminal Procedure Code, I suppose?

Shri Rajagopalachari: Yes, Sir. "Code" has been defined in this Bill.

Pandit Thakur Das Bhargava: Wherever we say "cognizable" we also say bailable or non-bailable. Therefore, I suggest that the words "and bailable" be added at the end.

Shri Rajagopalachari: I agree.

Mr. Deputy-Speaker: Then I shall put it to the vote of the House.

Shri Naziruddin Ahmad: No, Sir. The Criminal Procedure Code makes sufficient provision for this and it has left no void. It has made a provision so far as the offences under the Penal Code are concerned, also offences under any other law for the time being in force. That has also been provided for as to whether an offence will be cognizable or bailable or non-bailable and so forth.

Shri Rajagopalachari: That is why "Notwithstanding".

Shri Naziruddin Ahmad: We have had enough of this "notwithstanding" business. Whenever it suits our business we say "notwithstanding anything" and whenever it suits the opposite, we say "notwithstanding what we have said".

Shri Rajagopalachari: It is not a case of "suits".

Shri Naziruddin Ahmad: Section 5 of the Criminal Procedure Code says:

"(1) All offences under the Indian Penal Code shall be investigated, inquired into, tried and otherwise dealt with according to the provisions hereinafter contained.

(2) All offences under any other law shall be investigated, inquired into, tried and otherwise dealt with according to the same provisions, but subject to any

enactment for the time being in-force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences."

Mr. Deputy-Speaker: May I ask one thing of the hon. Member? Offences under the Criminal Procedure Code are both cognizable and non-cognizable. If nothing is said with respect to the cognizability of it, under what category will it come?

Shri Naziruddin Ahmad: Under the Criminal Procedure Code, it depends on the amount of punishment.

Mr. Deputy-Speaker: Because it is not an offence in the Schedule to the Criminal Procedure Code, unless it is specifically stated as cognizable...

Shri Naziruddin Ahmad: In the end it is said there "under any other law".

Mr. Deputy-Speaker: That they are cognizable?

Shri Naziruddin Ahmad: That depends on the amount of punishment. That depends on the kind of punishment; in other words, it depends on the severity of the offence or the seriousness of the offence.

Mr. Deputy-Speaker: I think the nature of punishment does not come into play regarding cognizability.

Shri Rajagopalachari: There is a broad provision in the absence of any provision in the special laws that anything punishable with three years will be cognizable. It depends on the nature of the case and where the nature of the case has specially not been provided for, the general rule will apply. An inquiry has to be made and it must be therefore cognizable and not left to private parties.

Shri Naziruddin Ahmad: We can make the provision no doubt, but what is the need for making a provision when the Criminal Procedure Code has provided for the whole matter. At the end of Second Schedule offences against any other laws are given. They are: If punishable with death, transportation or imprisonment for seven years or upwards, the Police may arrest without warrant and the offence is not bailable. Similarly there are...

Mr. Deputy-Speaker: Does it refer to this offence here?

Shri Naziruddin Ahmad: Yes. It also covers. The subsequent clauses say: "If punishable with lesser sentences" and there are four distinct classifications from the lowest to the highest.

Mr. Deputy-Speaker: The hon. Minister wants to make every offence of this kind cognizable. There is a provision to that effect in the Criminal Procedure Code. Does the hon. Member contend that all the offences under this Bill will become cognizable under the Criminal Procedure Code.

Shri Naziruddin Ahmad: It will depend on the severity of the punishment.

Mr. Deputy-Speaker: We are on the last clauses of this Bill. We know what punishments there are.

Shri Naziruddin Ahmad: The previous sub-clause is cognizable but offences which are punishable for one year and so forth or less, they are not cognizable.

Mr. Deputy-Speaker: With respect to that also six months is provided for in some cases here. The hon. Minister wants to know whether they are also covered.

Shri Naziruddin Ahmad: That was the general impression of the hon. Minister. A suggestion comes from an hon. Member and the hon. Minister is prepared to accept it. At the first consideration, the Minister thought that it is not necessary: We shall leave it to the general law. Now, on the last day, at the last hour of the fag end of this session a suggestion is put forward; it should not be accepted because it has serious consequences. On a small offence if you make it cognizable the police can arrest any person who is suspected to be committing an offence or about to commit an offence and it dangerously places him within the purview of the police offences which are of a trivial nature. That is the reason. I do not say that this House has no jurisdiction to provide for it but I submit that on these small offences the police should not be allowed to trouble people unnecessarily. They should take a warrant or a summons from the court, for the Court may empower the police officials, otherwise the police should not interfere. That is the reason why the Criminal Procedure Code has provided the procedure on a consideration of the severity of the sentence. If the offence is punishable with serious punishment it is a serious offence and the police have been given power to act with some amount of high-handedness in dealing with such criminals but in small crimes the police should not be allowed to interfere and put people into trouble.

Shri Shiv Charan Lal: I oppose this amendment. My reason is that under the Code those offences are made cognizable which are serious offences or those offences in which the culprit may run away. The chief criterion throughout had been that where the offence is more serious it is punishable with imprisonment for at least one year or where the offence is such that if the accused runs away, he may not be apprehended easily. But generally the procedure is such that if the complaint is made by the competent authority—you have provided that the competent authority will make the complaint—he will also see that the security has been deposited. If we say that the security is not deposited and the man still goes on with publishing the newspaper without making the security, he can certainly make an application to the court and ask that the man be proceeded with under section so and so and then the court will make an order for the arrest of that man.

Pandit Thakur Das Bhargava: May I just point out to the hon. Member that so far as offences are concerned, we are only concerned with clauses 25 and 26 and we are not concerned with security proceedings.

Shri Shiv Charan Lal: That I know and I think my hon. friend missed some words which I used in the beginning. I said that the competent authority will know that the security had not been deposited and that the man is still publishing the newspaper and then he can apply that the man be proceeded with under clauses 25 and 26. Then if the application is made, what is the haste therein in giving this power to the police? When the application is made, the court will pass an order that the warrant be issued, bailable or non-bailable or summons or anything. That will be issued by the court and the police will go and arrest him. What is the haste in it?

Pandit Thakur Das Bhargava: How can he be punished?

Shri Shiv Charan Lal: He will be punished by the order of the court when the complaint has been made under clause 25. You have provided for a competent authority to look into the matter that no newspaper publishes such and such a matter. That competent authority will also see whether the security has been deposited; he will also see that those papers which have been declared as containing objectionable matter are not sold; if he finds such a paper is being sold, he can make an application to the court under clause 25 and that will be a complaint and the court will proceed on that. What is the use of making it a cognizable offence? Will the public order be jeopardized or some serious consequences will follow? The offence is not a serious one. We know that during the last war when the Defence of India Act was promulgated certain sections were made cognizable, but they were not sections which if they had not been made cognizable the culprits would have run away and in that case it would be difficult for the law to bring those persons to book. Therefore, my submission is that there is no use making these simple and very ordinary offences cognizable; that will go against the very sense and very spirit of the jurisprudence if we make minor and ordinary offences cognizable. Therefore, I appeal to the hon. Minister not to make these offences cognizable.

[SHRIMATI DURGABAI *in the Chair*]

Shri J. R. Kapoor: I want to move an amendment to this amendment. It may not be very palatable to the hon. Home Minister, but we have a duty to ourselves and to the public at large and the amendment that I would suggest to this amendment is that offences punishable under clause 26 should not be cognizable. I have not got a copy of the amendment; otherwise, I could give the definite words that should be inserted. My object is this that clause 26 relates...

Mr. Chairman: I would like to know what kind of amendment he is going to move. My difficulty is, that I may not be able to follow unless he reads what he proposes to move.

Shri J. R. Kapoor: I am going to do that now. I have got a copy of the original amendment now.

I move that the amendment should be substituted by the following:

> "Notwithstanding anything contained in the Code, any offence other than an offence covered by clause 26 punishable under this Act and any abetment of any such offence shall be cognizable."

The implication of my amendment would be a very small one. All offences under this Act shall be cognizable except.....

Mr. Chairman: I want to understand the amendment. You want to exempt the offence under clause 26. That is all.

Shri J. R. Kapoor: That is all. For that, I am giving my reasons. Selling a publication which has already been declared to be an undesirable publi-

cation has been made an offence under clause 26. Further, selling or keeping a publication for sale would be an offence only when it is proved that the person selling or keeping it for sale has the knowledge that it is an unauthorised publication. The fact whether the person selling it or keeping it for sale has or had not got knowledge will be proved ultimately when all the evidence has been recorded and the case decided. It will never be possible for the police officer to know at the very initial stages when he finds a news-boy selling a newspaper whether that news-boy has or has not got knowledge of the fact that it is an unauthorised publication. A constable standing at the cross-roads, finding that a news-boy is selling unauthorised news-sheets will simply go up to him and put him under arrest. I do not think that that is the state of affairs which we want to bring about. My only submission therefore is that since this offence of selling unauthorised news-sheets is a very minor offence, punishable only with imprisonment of six months or merely with a fine, it should not be declared to be such an offence in respect of which the alleged offender should be arrested without a warrant.

There is one more reason. Perhaps in the interests of law and order, it will be desirable that such a scene should not be created all of a sudden in the streets. If many news-boys selling papers are pounced upon by the police in the streets, it is likely to create a law and order situation. It would be much better if the police could make a report to the magistrate, obtain a warrant and arrest the news-boys or the seller from his home and not from the street, or in the afternoon or in the morning when he is selling the news-sheets.

The Minister of Works, Production and Supply (Shri Gadgil): This amendment will not be acceptable.

Mr. Chairman: I will now put the amendment of Mr. Jaspat Roy Kapoor to vote.

Shri Naziruddin Ahmad: We want to hear the hon. Home Minister.

Shri Gadgil: The amendment moved by Mr. Jaspat Roy Kapoor would not be acceptable because the very object of clause 26 is to prevent the circulation of a newspaper or news-sheet which contains objectionable matter. If the crime becomes non-cognizable, then a complaint has to be made to a magistrate, and the magistrate will have to issue a warrant or some process. By that time, the entire quantity of objectionable news-sheets would have been distributed. Therefore, it cannot be accepted.

Pandit Thakur Das Bhargava: Does the hon. Minister believe that all the hawkers will be arrested in every city at one and the same time?

Shri Gadgil: Not all the hawkers; but those who, according to the circumstances of the case, are believed to have done something knowingly about it, are bound to be arrested and proceeded against.

Mr. Chairman: Does the hon. Member want to press his amendment?

Shri J. R. Kapoor: Yes.

Mr. Chairman: But, unfortunately, I do not have the draft of your amendment in my hands.

Shri J. R. Kapoor: How can I help it? This amendment has just been moved. If it is to be put to the House after the dinner, I will give it in perfect order.

Dr. V. Subramaniam (Madras): On a point of order. The hon. Minister has not accepted the amendment. No notice has been given by the hon. Member for this amendment.

Mr. Chairman: That is so. Even for this amendment, no notice was given. Therefore, I allowed this amendment.

Shri Sidhva: You allowed discussion and considered it as moved.

Mr. Chairman: I will put Mr. Kapoor's amendment to the House.

Shri Kamath: It may be read out.

Shri Rajagopalachari: I think, after the words "under this Act" it should come. I am not accepting the amendment; but it should be like that. "Notwithstanding anything contained in the Code, any offence punishable under this Act other than under clause 26..." and then the rest of it.

I just wish to add, if you will permit me—I am sorry I was absent for a minute—before you put this to vote. I do not know if hon. Members realise that the number of offences referred to in this clause is very small. It has nothing to do, as Pandit Thakur Das Bhargava has pointed out, with other proceedings. It is only clause 9, sub-clause (3), and clauses 25 and 26, as far as I am able to say offhand. If we exclude clause 26, there is practically very little left. What Pandit Bhargava asked for, I conceded at once. I want to say this. Cognizability is not necessarily to be considered as part of a police power to arrest. The really more important thing is the en-

[Shri Rajagopalachari]

quiry and the action that has to be taken in investigation. It is very necessary in cases arising under this Bill that this investigation should be done by a public officer and not allowed as a non-cognizable offence. There is no question of compoundability. There is nothing else. As for arrest, Pandit Thakur Das Bhargava asked and I at once conceded that in all cases it will be bailable. Hon. Members who do not know the law about it, may be told by me, that bailability becomes a right. There is no question of enquiry by anybody. He can at once, on the spot, give bail and he is entitled to go. So, I submit that there should be no controversy over this.

Mr. Chairman: Does the hon. Member want me to put the amendment to the House?

Shri J. R. Kapoor: Yes.

Mr. Chairman: The question is:

For the proposed new clause 33A, substitute:

"Notwithstanding anything contained in the Code, any offence other than an offence covered by clause 26 punishable under this Act and any abetment of any such offence shall be cognizable."

The motion was negatived.

Mr. Chairman: I will now put the amendment moved by the hon. Home Minister.

Shri Naziruddin Ahmad: Not moved by the hon. Home Minister.

Shri Rajagopalachari: Moved by Mr. Lakshmanan and accepted by me.

Mr. Chairman: The question is:

After clause 33, insert:

"33A. *Cognizability of offences under this Act.*—Notwithstanding anything contained in the Code any offence punishable under this Act and any abetment of any such offence shall be cognizable and bailable."

The motion was adopted.

New clause 33A was added to the Bill.

Clause 34 was added to the Bill.

Clause 35.—(*Repeals*).

श्री भट्ट : ३५ नम्बर के क्लाज में मैं एक शब्द सुझाना चाहता हूं । सरकुलेशन (circulation) के बजाय डिस्ट्रीब्यूशन (distribution) शब्द हो तो ज्यादा अच्छा होगा ।

[**Shri Bhatt:** I want to make a suggestion in clause 35. It would be better if the word 'distribution' is placed there instead of 'circulation'.]

मिस्टर चेयरमैन : अगर आप बोलना चाहते हैं तो बोल सकते हैं, लेकिन आप का कोई अमेंडमेंट नहीं है ।

[**Mr. Chairman:** If he wants to say anything he can, but he has no amendment.]

श्री भट्ट : अमेंडमेंट नहीं है, लेकिन मैं ३५वीं धारा के सम्बन्ध में हाउस के सामने एक सुझाव रखना चाहता हूं । मैं यह सुझाव रखता हूं कि ३५वीं धारा की दूसरी उपधारा में 'सरकुलेशन' शब्द है उसके बजाय 'डिस्ट्रीब्यूशन' शब्द हो तो ज्यादा उपयुक्त होगा, क्योंकि अलग अलग प्रान्तों के कानून में 'डिस्ट्रीब्यूशन' शब्द विशेष तौर से इस्तेमाल किया गया है । तो मैं यह सुझाता हूं और माननीय गृह मंत्री जी इस को इस्तेमाल करें तो ज्यादा ठीक होगा ।

[**Shri Bhatt:** It is no amendment, but I want to place a suggestion before the House regarding this clause 35. The suggestion is that if in the sub-clause 2 of clause 35 the word "distribution" is placed for "circulation", it will be more appropriate as the word "distribution" has been used in a definite sense in the different provincial laws. I think, therefore, it will be better if the hon. Home Minister uses this word.]

Shri Rajagopalachari: I have no objection to the word "circulation" being changed to "distribution."

Amendment made:

In sub-clause (2) of clause 35, for "circulation" substitute "distribution".

—[*Shri Bhatt*]

Mr. Chairman: The question is:

"That clause 35, as amended, stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

The First and Second Schedules were added to the Bill.

Clause 1.—(*Short title etc.*)

Shri Shiva Rao: I beg to move:

In sub-clause (3) of clause 1, after "appoint" add:

"and remain in force for a period of two years from the date of its commencement."

Shri Naziruddin Ahmad: I beg to move:

For sub-clause (3) of clause 1, substitute:

"(3) It shall come into force on the 1st day of April 1952."

Shri M. P. Mishra: I beg to move:

For sub-clause (3) of clause 1, substitute:

"(3) It shall come into force after the coming general elections are over."

Shri Bhatt: I beg to move:

After sub-clause (3) of clause 1, add:

"(4) It shall remain in force up to 31st December, 1953."

Babu Gopinath Singh (Uttar Pradesh): I beg to move:

(i) For sub-clause (1) of clause 1, substitute:

"(1) This Act may be called the Objectionable Matter Printing and Publication Act, 1951."

(ii) For sub-clause (3) of clause 1, substitute:

"(3) (a) It shall remain in force for a period of two years from the date of its enactment;

(b) It shall come into operation in—

(i) Centrally Administered Areas from such date as the Central Government may by notification in its Official Gazette, appoint in respect of each area; and

(ii) other areas on such date or dates as the State Government concerned may by notification in its Gazette, appoint in respect of the area affected under its jurisdiction."

Shri Rathnaswamy: I beg to move:

In sub-clause (3) of clause 1, after "appoint" add "and remain in force for one year from the date of its commencement."

Shri M. P. Mishra: My amendment says that this Bill shall come into effect after the coming elections are over.

Shri J. R. Kapoor: The first or the second election?

Shri M. P. Mishra: I said the coming general elections. (*Interruptions*).

Mr. Chairman: Mr. Mishra, what is going on there? Why does not the hon. Member continue?

Shri M. P. Mishra: Some of my friends here are asking me to speak in English and others behind me ask me to speak in Hindi.

Mr. Chairman: The hon. Member should decide quickly and speak. I do not want the time of the House to be taken up like this.

Pandit Kunzru: I had an amendment to clause 1 in my name.

Mr. Chairman: I called out the name of the hon. Member, but he was not present in the House.

Pandit Kunzru: Well, I had to go out.

Shri Rajagopalachari: Pandit Kunzru's amendment is similar to that of Shri Shiva Rao.

Mr. Chairman: Anyway, Pandit Kunzru may also move his amendment.

Pandit Kunzru: I beg to move:

After sub-clause (3) of clause 1, add:

"(4) It shall remain in force for a period of two years only."

Mr. Chairman: All these amendments are now before the House for discussion.

श्री ऐच० पी० मिश्र : मैं हिन्दी में बोलता हूं। मेरा संशोधन बड़ा मामूली है। सभी लोग जानते हैं कि इस प्रेस बिल के खिलाफ़ देश में एक छोटा सा बवंडर ही उठ खड़ा हुआ है और जहां तक इस के विरोध का सवाल है, इस के साथ बड़ी बड़ी ग़लतफ़हमी भी उठ खड़ी हुई है। चूंकि आने वाले चुनाव बहुत क़रीब हैं कांग्रेस के विरोधियों ने कहना शुरू किया है कि यह बिल ऐसे मौके पर इसलिये लाया जा रहा है कि इस के चुनाव में कांग्रेस के विरोधियों के खिलाफ़

[श्री ऐम०.पी० मिश्र]

या और लोगों के ख़िलाफ़ इस्तैमाल किया जायगा। मैं इस बात को बखूबी जानता हूं कि कांग्रेस सरकार का इरादा यह कभी नहीं है कि वह इस क़ानून का प्रयोग आने वाले चुनाव में अपने विरोधियों के ख़िलाफ़ करेगी। सभी लोग जानते हैं कि कांग्रेस की ताक़त देश में कितनी बड़ी है। यह भी शायद सबों को मालूम है कि अगले चुनाव में कांग्रेस ही फिर विजयी होगी। यह एक स्वयंसिद्ध सी चीज़ है। तो मैं अपनी सरकार से कहना चाहता हूं कि जब ऐसी हालत है तो सिर्फ इस सन्देह को, इस डर को और विरोधियों के हाथ से इस हथियार को छीन लेने के लिये कि वह लोगों से जब चुनाव में हार जायेंगे तो कहेंगे कि चुनाव के पहले तो उन्होंने ऐसी ऐसी तैयारियां कर रखी थीं, प्रेस बिल बना लिया था, प्रेस के ऊपर एक तलवार लटका रखी थी, विरोधी बोल नहीं सकते थे, केवल इसी कारण से मैं अपनी सरकार से कहना चाहता हूं कि यह बिल आम चुनाव के हो जाने के बाद लागू किया जाय। इस के साथ ही साथ मैं यह भी कहना चाहता हूं कि हमारे जो प्रेस के मौजूदा क़ानून हैं वह इतने काफी हैं कि यदि कोई इस चुनाव में ज़रूरत पड़ेगी,—क्योंकि यह कोई ज़रूरी नहीं है कि चुनाव के दरमियान में प्रेस क़ानून की कोई ज़रूरत ही नहीं पड़े, ज़रूरत पड़ सकती है,—तो हमारे तरकस में इतने काफी तीर पहले से मौजूद हैं कि सरकार उन का उपयोग कर सकती है और बड़े मज़े में उन का उपयोग कर सकती है।

एक बात मैं और कहना चाहता हूं। चुनाव के वक़्त में ब्रटिश सरकार भी इतनी दूर तक नहीं जाती थी। जब चुनाव होते थे तो उस समय वह उन हथियारों का इस्तैमाल नहीं करती थी जो हथियार आम वक़्त, साधारण वक़्त में दमन के लिये, राष्ट्रीय आन्दोलन में लड़ने वालों के लिये प्रयोग करती थी। जहां तक मेरा ज्ञान है १२४--ए धारा इंडियन पेनल कोड की जो राजद्रोह सम्बन्धी धारा है, उस धारा का भी वह चुनाव के वक्त में प्रयोग नहीं करती थी और हमारे कांग्रेस के नेता इस बात को बखूबी जानते हैं। चुनाव के वक्त में अंग्रेज़ी राज्य के ख़िलाफ़ जो वह बोला करते थे वह राजद्रोह से एक इंच भी कम नहीं हुआ करता था। अगर ब्रटिश सरकार उस धारा का प्रयोग राजद्रोह के लिये चुनाव के ज़माने में करती तो कम से कम ८० प्रति शत नेता जेलों में बन्द कर दिये जाते।

इस लिये मेरा यह छोटा सा सुझाव है कि इस क़ानून को आने वाले चुनाव के बाद लागू किया जाय। मुझे आशा है कि यह सुझाव हमारी सरकार को मंजूर होगा। मैं इस के लिये इतना कहना चाहता हूं कि हम जानते हैं कि कांग्रेस विजयी होगी, कांग्रेस जीत कर आयेगी ही, और चूंकि इस से हमारा कोई नुक़सान नहीं होगा और विरोधियों को भी कहने का मौक़ा होगा कि उन्होंने सब तरह से अपने को लैस कर दिया, यह चुनाव के पहले बहुत बड़ा जेस्चर (gesture) होगा कि डिमाक्रेसी में हम अपने अपने विरोधियों को भी पूरा हक़ देना चाहते हैं कि वह अपने आप को जनता के सामने रखें और अगर उन को जनता पसन्द करे और आने का मौक़ा दे तो वह आयें।

(*English translation of the above speech*)

Shri M. P. Mishra: I shall speak in Hindi. My amendment is very ordinary. All know that a small whirl-

wind has started in the country against this Press Bill, and so far as the question of its opposition goes, bigger misunderstandings too have sprung forth. Since the elections are coming ahead, the opponents of the Congress have started saying that the Bill has been brought in to be used against the anti-Congress parties and others at the time of elections. I know it very well that the Congress Government will not at all use this Bill against its opponents in the coming elections. All know how much powerful the Congress is in the country; perhaps they know this also that the Congress shall again be victorious in the coming elections. This is so self-proved a thing. Well, I want to submit to my Government that this Bill be implemented after the general elections are over just for the reason, nay apprehension, lest those people who lose in the elections should get a chance to say that the power which they could wield in election days was snatched away from them by introducing the Bill which was like a sword hanging on the Press so that no opponents could speak. Also, I want to say that the Press laws at present are sufficient to meet any contingency that might arise during the elections. We cannot say that there is no need for any Press law during the elections, they may be needed. We have already a number of other means at our disposal that can be used if necessary.

One more thing I want to say. The British Government even did not go to this extent during the election days. It did not when the elections took place, use the weapons which are used for suppression in the normal times, or for fighters in the national cause. So far as I know, section 124A Indian Penal Code relating to sedition even was not used in the election days, and this fact our Congress leaders too know very well. During the election period whatever was said against British Government, was in no way less than sedition. Had the British Government during the election period used this section for curbing sedition, 80 per cent. leaders at least would have been put behind the bars.

My suggestion, therefore, is that this Bill be implemented after the coming elections. I hope this suggestion will be acceptable to our Government. We know, Congress will win and since this will not put us to any loss, I do say that it may be implemented after the general elections lest the opponents get any opportunity to say anything in its opposition. This will be most befitting our democracy that we want to give full rights to our opponents so that they may come before the public, and if the public likes them and gives them an opportunity to win the elections, they may.

Mr. Chairman: I would like to know from the hon. Minister which of the amendments he is accepting.

Shri Rajagopalachari: The others have not spoken—if the question is whether I would agree to any of the amendments, and I must first dispose of this preliminary thing. I will do so.

Mr. Chairman: This is not to close the debate but just to get an indication

Pandit Thakur Das Bhargava: At the same time the arguments will be less. If we know the mind of the hon. Minister, then why should we unnecessarily speak? I think the debate will be facilitated and some time saved if the hon. Minister speaks now.

Shri Rajagopalachari: I am exceedingly glad, and I am encouraged from the attitude now taken by Pandit Bhargava that we should save time—I cannot escape making that observation having suffered very much.

There are two points raised in the amendments: one as to period of time up to which this law should be in force, and another as to the time from which it should become effective. Mr. Naziruddin suggests that it should start on All Fools' Day—that seems to be his idea.

Shri Naziruddin Ahmad: We have not argued. We object to this.

Shri Rajagopalachari: I am not arguing—sorry—I was only trying to answer the Chairman's question. And Mr. Bhargava said it would reduce discussion. Therefore I must explain my position so that the object may be attained. But if it is only to show my cards, I do not wish to show my cards.

Shri Naziruddin Ahmad: All the better.

Shri Rajagopalachari: Mr. Naziruddin's suggestion that it should begin on 1st April, 1952, All Fools' Day, does not appeal to me. Mr. Mathura Prasad puts it on a different footing. He says that this would have a bad effect on the Congress Party, therefore we should not have it—let us have it after the elections are over. In the first place, I must express my complete disapproval of passing or accepting or not accepting a Bill on the ground that it would favour one Party one way or the other. I think that

[Shri Rajagopalachari]

consideration should be altogether outside this House, and I am very sorry the young gentleman has made a serious blunder in politics in making this a reason for an amendment which he has proposed solemnly. I think he would have been well-advised in not making the proposal at all because he has given a very wrong reason for the proposal he has made. I do not think we should examine any question in the House from that point of view. And let me give my advice if he will listen to it. The very purpose he has will be frustrated if we indeed put off the Bill on the ground that Mr. Mathura Prasad has suggested. It is total deception if you are going to bring it into force after the elections. What will you gain by avoiding the effect of it? You gain nothing by such a thing. Altogether, from every point of view, it is not right.

Let me now answer the question with reference to how long the Bill should be in force. I am quite prepared to accept the two years proposed by Pandit Kunzru and Mr. Shiva Rao, for this reason: it is because that I have made a positive suggestion that they should form their own Council for discipline and they should put it in order, shape it, and ask Government to get statutory powers for that body, and Government will have to get through a Bill to that end. The two years' period will be the time given for all this. Then probably there will be the Press Commission also. So, I quite agree to the two years period and no discussion is necessary.

Mr. Chairman: Now I think I can put the clause to vote?

Shri Naziruddin Ahmad: The hon. Minister was allowed to say which amendment he was ready to accept—it was not a reply.

Mr. Chairman: If the hon. Member wants to speak I have absolutely no objection.

Shri Naziruddin Ahmad: Of course, that is what I want.

Pandit Thakur Das Bhargava: I gave an amendment saying that this measure should remain in force up to 1st October, 1952, but after hearing the hon. Home Minister I for one am quite satisfied with the reasoning given by him. And let me point out that so far as we Members of the Congress Party are concerned, we never doubted the sincerity of the hon. mover of this Bill. We knew that he is as much the protector and lover of the liberties of the citizens of our country as anybody else, and when he suggests that he wants a scare-crow or he wants a weapon in his armoury so that something useful may grow and.....

Shri J. R. Kapoor: These encomiums may be reserved for the third reading—we are nearing it.

Pandit Thakur Das Bhargava: There is no question of encomiums—I am only submitting why I am not moving my amendment. Because, according to me this Bill was unnecessary even for one year—when we pass a Bill it could not be for less than one year—but I accept the reasoning given by the hon. Minister and support the amendment.

Mr. Chairman: May I suggest to hon. Members now that there is a general appreciation of the stand taken by the hon. Minister, is it necessary for Mr. Naziruddin Ahmad or others to press their amendments?

Shri Naziruddin Ahmad: Yes, of course.

Mr. Chairman: Does he still hope to convince the House?

Shri Naziruddin Ahmad: Yes, several times. Why not?

Mr. Chairman: After his amendment introducing April 1st?

Shri Naziruddin Ahmad: Make it 1st of March, I have no objection. The question is that I should be allowed to speak.

Mr. Chairman: Certainly, I am not blocking his speaking at all.

Shri Naziruddin Ahmad: If first of April has any offensive sense, make it first of March—I have not the least objection. The main point is I should like it to apply after the elections. I am quite sensible of the fact that the Government of India or the hon. Home Minister have no intention of applying this Act for the purpose of elections. I have not the least doubt about it, but the application of the Act will not depend upon him—it will be applied during the elections by the States and the officers of the States and their subordinate officers, and nobody knows what use may be made of it during the elections. It is one thing to say that the hon. Home Minister does not desire it, but quite a different thing that it may be applied by others in spite of it.

The second reason is that the Bill is new, it has byways and bylanes, it has large implications; and time should be given to the people to understand and appreciate the principle of the Bill and to adjust their conduct accordingly.

7 P.M.

The third reason is that there should be a period of probation during which the Press should adjust itself. The A.I.N.E.C. would be circularising their constituents and they will be giving warning to erring people. Government will also be giving warning to erring people. This period of probation is absolutely necessary.

Pandit Bhargava reminds us that this Bill is a scare-crow. Here comes the rub. The crows would not be affected, but this will scare away many persons who write articles about the elections and have something to do with the elections. This scaring business is the thing to be afraid of. I therefore submit that the scare-crow should not be allowed to operate during the elections but should come into effect after the end of the elections.

Shri Rajagopalachari: The arguments of Mr. Naziruddin, I am sorry to say, do not appeal to me. There is nothing new that has been introduced here, for which people have to be educated. The most grave offences, the most serious offences, the most disgusting offences—these are the things that are covered by clause 3. There is no new code of ethics or new line of conduct which Pressmen have to adopt. They have suffered the Act of 1931 all these years and therefore their house is perfectly in order. I have only liberalised the provisions and there is now more room to walk about. Hence, there is no need for giving any time.

As regards the argument that somebody will misuse this Bill during the elections, I may say that if anybody could misuse it, it could be misused at all times. I therefore cannot accept the proposition that this misuse will be done only during the general elections. In fact, I want to prove that during the general elections this will not lead to anybody's disadvantage. We cannot stultify ourselves by saying, 'The Bill is good and is accepted and made into an Act, but it is not good enough for December 1951 and January 1952'. It would be totally illogical and wrong. I have already agreed to put a time-limit on other grounds which the House has accepted as reasonable. The operation of the Bill would now be limited to two years. I think therefore that nothing more is necessary.

Shri T. N. Singh (Uttar Pradesh): May I draw your attention to the fact that an hon. Member is sitting in the Visitors' Gallery? Is that allowed?

Shri Naziruddin Ahmad: Visitors cannot sit in the House, but a Member can sit in the Visitors' Gallery.

Mr. Chairman: He is not exactly in the Gallery, but he is a little beyond the Gallery.

Is Mr. Naziruddin pressing his amendment?

Shri Naziruddin Ahmad: Yes.

Mr. Chairman: Then I put it to the House.

The question is:

For sub-clause (3) of clause 1, substitute:

"(3) It shall come into force on the first day of April, 1952."

The motion was negatived.

Mr. Chairman: I now put the agreed amendment.

The question is:

In sub-clause (3) of clause 1, after "appoint" add:

"and remain in force for a period of two years from the date of its commencement."

The motion was adopted.

Mr. Chairman: In view of this it is not necessary to put the other amendments to the House.

The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Sidhva: In view of the change in the title of the Bill may I know whether it is not necessary to move a specific amendment to that effect?

Shri Rajagopalachari: The Bill as recommended by the Select Committee is before the House. It is very clear. Although the report of the Select Committee mentions the original title, the Bill as recommended by the Select Committee has changed the title and it now reads "Press (Objectionable Matter) Bill, 1951".

Mr. Chairman: There is no need for a specific amendment. The Bill as reported by the Select Committee is before us and we have already adopted the title as recommended—that is, in the changed form—by the Select Committee.

Shri Rajagopalachari: I beg to move:

"That the Bill, as amended, be passed."

[Shri Rajagopalachari]

I may be permitted to say that I am very grateful to hon. Members for having been so patient with me. I did lose sometimes my capacity to stand the strain and perhaps I may have committed some faults during those moments. I ask for the forgiveness of the House for exhibiting any physical weakness or mental error arising out of that physical weakness. But I am fully grateful to the House for throwing so much light on all aspects of the matter. Occasionally, I may have made it appear that I did not like the length of some of the speeches, but each man speaks according to his own way. I do not know whether my speeches were short either. I also spoke pretty long and what I said about others might as well be said of me.

I am glad that the Bill has gone through the second reading after full consideration. Before I close my statement at this stage of the Bill, I wish to make one thing clear again. It is not the intention of the Government, it is not the intention of Parliament which has accepted the provisions of this Bill, to put any undue or wrong or new restrictions on the Press. Our united aim is that the standard of all newspapers should rise and that we should arm the better class of newspapers with some sanction in order that they might use their moral influence with those who do not come up to the required level.

Much has been said about the laws of other countries. The laws of other countries, are good. The laws of other countries have been fashioned according to a certain pattern. But our country is our own. Our conditions are our own and I repeat without any sense of shame about it that our laws must be our own and must be passed on the background of the realities in our own country. There is nothing wrong in confessing to our difficulties; there is nothing wrong in confessing to our weaknesses and there is everything right and nothing wrong in providing laws suitable for improving the position as it stands. It is not enough simply to say that in other countries they all wear hats; therefore we shall also wear hats. It is not right to say in other countries they eat on tables, therefore we should also always eat on tables. All these things are liable to change, but each country has its own manners. Therefore, we should not always copy other countries. When I tried to show in answer to arguments that in other countries too there are laws of this kind, it was not to show that I am blindly following the laws of other countries. It is only to show that we need not suffer from a sense of isolation, or that we are doing something which is not done in any other country. I wanted to give encouragement and confidence to ourselves and that is why when I quoted at all I quoted from the laws of other countries.

There is no reason to think that our country is in any manner behind other countries in these matters. We have an inner law operating in our country. In many respects we do not want laws at all and the inner law that is behind the hearts of ordinary folk are quite enough for the purpose of maintaining restraint. But this is a new thing. The newspaper profession is a new profession in our country and like the cinema, the newspaper has a knack of causing crimes sometimes. When I say newspaper it should not be imagined that I am referring to the great and big newspapers which do not need any law, which do not need any instructions from Government or which do not require any kind of control. I am referring to all those comprised in the term newspapers. There are many papers in this country merely conducted for partisan purposes or for purposes of blackmail or for purposes ill-conceived for the good of the country. They commit mistakes sometimes and you will have to control them.

No foreign country will lose regard for our country and for our Government, as some people are afraid, if we pass such legislation. Are we to depend on the ill-informed public opinion of other countries or are we to depend upon our own mother wit and do what is necessary for our country? If we are guided by the ill-informed opinion in other countries, we will have to dismiss our Prime Minister. Do hon. Members realise the amount of abuse that is thrown at him in America by certain papers? We cannot afford to be guided by the ill-informed opinion of other countries.

I will give you an example for the purpose of illustrating how misreporting is going on in other countries. I appeal to hon. Members to be governed by Marcus Aurelius and to act in accordance with their own conscience and not depend upon the opinion of other people for anything, much less on the opinion of ill-informed people in distant countries. Let us shape our action according to our own

conscience. There is a paper called *Truth* in England. It is a well-known paper. I like to read it very much because it contains every kind of scandal sometimes: yet it is called *Truth*. It was started by a famous man Labouchere, I think. That paper has this article:

> "India's Press Bill: 'We belong neither to the East nor to the West, and our laws must be of our own pattern.' This was an argument used by Mr. Rajagopalachari, Indian Home Minister, in defending the notorious Press Bill, over which controversy has been raging in New Delhi. The Bill—here I want your attention—permits executive action to be taken against newspapers after 'publication of objectionable matter'. Why India's belonging neither to West nor East, as Mr. Rajagopalachari claims, should absolve the Indian Government from leaving such matters in the sole jurisdiction of the courts is not explained."

Have I not left everything in the Bill from A to Z to the sole jurisdiction of courts? I have. But can *Truth* understand it there? This is public opinion abroad, or a unit of that public opinion. Are we to be governed by such ill-informed opinion that is expressed abroad? We should never try to do that. The use of the word "notorious" may be explained as a lapse in language; but the statement that according to this Bill the Indian Government is absolved of leaving such matters in the sole jurisdiction of the courts is not only not true, but it is totally the opposite of truth—falsehood.

Truth then goes on:

> "Almost the entire Indian Press, apprehensive lest the term 'objectionable matter' should come to mean any strong or even moderately distasteful criticism of the Government, has united to oppose the measure."

It may look very sweet superficially on the first hearing to Mr. Deshbandhu Gupta, but it will ultimately lead to very bad results. It is not true that the Press really think that strong or even moderately distasteful criticism of the Government would be put down under this Bill. They have no such fear. I hope they understand the Bill and the language that has been used in the Bill. This exemplifies how exaggerated agitation in regard to any matter would increase and emphasise ill-informed ignorance of important people abroad. Let us carry on any agitation by all means, but let us not exaggerate things and mislead other people and furnish grounds for writing things like this:

> "Dr. Mookerjee suggested in Parliament that the newspapers should adopt towards it an attitude of 'non-cooperation' refusing to publish Ministers' speeches."

See how far it goes and how rapidly anything said here spreads:

> "Mr. Nehru, never famous for a sense of humour, failed to see the joke."

It is *Truth* that does not see the joke; it is not Mr. Nehru who does not see the joke:

> "The suggestion, he said, amounted to 'something very near contempt of Parliament'."

Words are ordinarily used; but they are misused in this article. This is a very old and experienced newspaper in England—*Truth*. After all some care has to be taken by newspapers. This illustrates the substance of the Bill—we have to take great care to avoid writing things like this. The Bill cannot effectuate it; it is only a Council of Discipline of the Press that can effectuate such improvement.

> "India may be closer to Moscow than Mr. Rajagopalachari thinks."

But that is a different matter.

Now I want to explain how far *Truth* goes, or is it falsegood, goes. That is based really on a correct report of Reuters. Reuters' report is here and it is interesting to read it:

> "The Indian Parliament today agreed to refer the controversial Press Bill to a Select Committee of the House for a report to be submitted on September 29.
>
> Mr. Rajagopalachari, the Home Minister, replying to the six-day debate, during which most speakers had assailed the Bill, said that all the Government wanted was that 'no newspaper should write so as to encourage the breakdown of law and order or say things to encourage serious crime.'
>
> The measure known as the Press (Incitement to Crime) Bill, while debarring executive action against the newspapers in anticipation of an offence, permits it after publication of objectionable matter, provides for deposit of security on commission of an offence, and *for judicial trial in every case.*"

Now, *Truth* uses the whole of the first part and omits all reference to "judicial trial in every case". That is how

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newspapers in a hurry, in their terrible business overnight to get things ready the next morning omit by accident just that thing which should not have been omitted.

> "The definition of objectionable matter includes that which incites or tends to incite any person..... Replying to the argument that there was no emergency which justified the measure, the Minister stated: 'We are generally poor and liable to temptations of poverty alongside an exotic culture demanding a high scale of expenditure. Our country is not like other countries, either in the East or in the West. We belong neither to the East nor to the West, and our laws must be of our own pattern."

Correctly selected but it gives a misleading picture. This is the sort of public opinion abroad. As against it, the *Manchester Guardian* has given a very correct picture of the whole thing, based on their correspondent's reports. It does not mislead anybody. There are good papers and there are bad papers. Let me wind up by appealing to the House to accept the Bill as it is and not be unduly swayed by ill-informed opinions or by considerations of popularity based on ignorance or superstition. Let us do what is right. I assure you—I am taking leave of you all shortly—I promise you that you will all get success, credit and glory provided you do not care for glory, you do not care for credit but do the right thing.

Mr. Chairman: Motion moved:

> "That the Bill, as amended, be passed."

Shri Deshbandhu Gupta: I am thankful to you for allowing me this opportunity of expressing my views and also the views of the Press of India in regard to this Bill which has reached the last stage. At the outset I would like to acknowledge and congratulate the Government for having given full freedom not only of vote but also of expression, in the course of the discussion of this Bill. No Party Whips were issued during the last six or seven days when this Bill has been before this House. The Chief Whip has been taking almost a complete rest, although at times he was feeling very annoyed that some of my friends were trying to take a little more time according to his estimate on the various clauses. This is a fact, and we all recognise that the Government has been very considerate in not interfering with the freedom of this House so far as the discussion of this Bill was concerned. I must also take this opportunity of congratulating Pandit Thakur Das Bhargava, Pandit Hirday Nath Kunzru, Mr. Naziruddin Ahmad and others who took great pains and valiantly fought the battle of the Press inside the Select Committee and also in the House.

Pandit Thakur Das Bhargava: I want to make one point clear. I did not fight for the Press at all. I was only trying to save the liberties of the common citizen. I want the Press to be controlled if it goes wrong.

Shri Deshbandhu Gupta: I am glad, but I have no fears. If the control of the press is left to people like my friend Pandit Thakur Das Bhargava, I know that whatever he may mean by the word "control", the Press will not be controlled; it will have its due freedom. It is a very heartening sign that this Parliament which has an overwhelming majority of Congress members has given due consideration to a controversial measure of this importance. Every clause was subjected to the closest scrutiny before the Bill went to the Select Committee, also in the Select Committee and after it emerged from the Select Committee. I must also now thank the hon. the Home Minister for the spirit of accommodation which he showed in the course of the second reading of the Bill. His able advocacy and his brilliant presentation of his case, I am sure, had almost swayed the House even when the Bill was not amended as it has been amended today. The House would have carried the Bill if he had insisted on retaining some of the very objectionable features or clauses of this Bill. I have no doubt about it. Therefore, I would be failing in my duty if I do not acknowledge and compliment the hon. the Home Minister on having shown a spirit of accommodation in the second reading of this Bill. It is as a result of that spirit of accommodation that the Bill, as it is now before the House, has been considerably improved, and I have not the slightest hesitation in saying that the apprehensions which the Press originally had have been removed to a very large extent.

Shri Rajagopalachari: The qualification has been drowned by the applause.

Shri Deshbandhu Gupta: There is, however, an aspect of the question which deserves the serious consideration of this House and to which I cannot help making a reference. The stand taken by the Press of India in regard to this Bill has been one of fundamental stand of opposition to the very existence of a separate Press law

dealing with the newspapers of the country. The hon. the Home Minister did not like this stand and used rather strong argument against the united front presented by the A.I.N.E.C. and other newspapers and also the members of the Journalists' Federation in respect of this Bill. In his last speech now also he has stated that ours is a big country and we need not copy other countries in all respects. I heartily say 'ditto' or support that principle or that stand, but in the world, as it is constituted today, after the attainment of freedom, India has rightly claimed and has acquired a place of honour in the comity of nations. India today is looked upon by the whole world as the leader of the East. Our representatives, when they go to international bodies, take note of this fact, and when they take a stand in those international bodies, we cannot simply ignore world opinion in regard to such matters. When I was speaking at an earlier stage on this Bill, I quoted from the Commonwealth Press Union a resolution passed by them as late as March 1951. The Commonwealth Press Union consists of all Commonwealth countries and India is by no means an unimportant member of that Union. It was in that Union that a resolution was passed after due consideration that there should not be a separate legislation dealing with the Press. The freedom allowed to the Press should be co-extensive with the freedom allowed to every individual in every Commonwealth country. That was a resolution not lightly adopted. It was adopted after due consideration and after long discussions for the simple reason that the Press has not claimed any special privileges, and when it does not claim any special privilege, there is no reason why it should be penalised by the passing of any special legislation dealing with the Press.

I am glad that the title of the Bill has been changed. The title itself gave the impression that there was something of particular criminality about the Press. I am glad that the hon. Home Minister realised that thing and the short title of the Bill has been changed.

Shri Kamath: That is no less objectionable.

Shri Deshbandhu Gupta: So my point is this that when the A.I.N.E.C., the Press of India, the Journalists' Federation took the stand that there should be no separate law dealing with the newspapers, this was a stand which could not be lightly treated or lightly objected to. It is true we should not blindly follow other countries but it is equally true that when we want to play a leading role as we do today in international politics, we cannot ignore the decisions taken by international bodies on which India is represented. On principle also it is only right that when we are not giving special privileges to the Press, there should be no special legislation dealing with the Press. The stand taken by the Press of India originally was—and that is the stand even today—that not only there should be no separate legislation dealing with the Press but Parliament should have no power to pass a separate legislation dealing with the Press. That was the demand of the Press when the Constitution was being passed and it was given out at that time that freedom of expression included freedom of the Press. We started on that basis and when the amendment of the Constitution was undertaken by this House, we took exception to that on the ground that as is in other countries where there are written Constitutions, so should be the case in India that the Constitution should not be so amended as to empower the legislature at any time to interfere with the freedom of expression including freedom of Press. Now it came to us, when this Bill was presented before this House, as a shock because at the time when the Constitution was amended, assurances were given and we interpreted those assurances—I do not know what the hon. Home Minister and the hon. Prime Minister.....

Mr. Chairman: May I know whether the hon. Member is going to repeat the same argument?

Shri Deshbandhu Gupta: I have to develop the argument and meet the arguments that were given in the course of the discussion on the Bill.

Mr. Chairman: I would like to know from hon. Members as to how long we are going to sit today.

An Hon. Member: Till eight.

Shri Deshbandhu Gupta: I understand a buffet dinner has been provided by the hon. Home Minister. Therefore, Members might sit till eight and.....

Mr. Chairman: May I take it that we go on upto eight?

The Minister of State for Information and Broadcasting (Shri Diwakar): We go on to dinner after finishing this.

Shri Deshbandhu Gupta: We may sit till eight and after dinner we may resume discussion.

Mr. Chairman: If the speeches are short, many Members will be able to speak.

Shri Deshbandhu Gupta: I may respectfully submit that I did not participate in the discussions on clause by clause. My stand is a fundamental one and I hope the House will show me the indulgence of placing my point of view before this enactment is brought on the statute book. I will be brief and I would not repeat nor would I say unnecessary things.

My point was that when this Bill was brought before this House, in the setting of the promises that were given on the floor of this House and outside the House, naturally the Press of India felt rather angry about it, if I may say so. No measure has evoked so much opposition during the last four years, ever since we have been meeting here as Parliament of a free country, as this Bill.

Shri Kamath: Except the Hindu Code Bill.

Shri Deshbandhu Gupta: That is an old Bill—it is a legacy of the old Government. This was a highly controversial measure and the entire Press of the country was arrayed against it as one man. What was the reason? The reason was that the Press of India today believes that there should be no separate legislation dealing with the Press and that Parliament should also have no power to interfere with the freedom of the Press. I wish to make it quite clear that the Press of India in the past has always stood with the forces of law and order and I have no doubt that it would always stand in future also. The Press of India has not been blind to the emergencies of the situation. In fact, if I may say so, the Press of India has always strengthened the hands of Government whenever there was an emergency. Therefore, Government should not have apprehended any irresponsible act or any irresponsible attitude from the Press. In fact my grievance is that in the heat of the discussions the hon. Home Minister and on one occasion even the hon. Prime Minister—who is admittedly a friend of the Press and a big advocate of the freedom of the Press—have said unkind things about the Press and about the A.I.N.E.C. I want them to take note of the fact, to refresh their memory a bit, that this great organization of the newspapers in India today consists of 206 newspapers. It represents more than 80 per cent., if not 90 per cent., of the total circulation of newspapers in this country. This represents not only English papers but as a matter of fact, more language papers than English papers. There are as many as 130 language papers out of a total of 206. The number of language dailies comes to 63. This organization has been always cooperating with the Government, has been serving as a liaison between the Press and the Government with a view to help the Government in avoiding avoidable misunderstandings between the Press and the Government. I will quote just one example. The late Sardar Vallabhbhai Patel, who was our first Home Minister since we got freedom, replied to a question by me here that upto 1949 action was taken in the Centrally-administered areas against 22 newspapers. Quite a large number of them were suspended and he admitted in his reply that almost in all cases the action was taken with the concurrence of the Advisory Committees. Perhaps the present hon. Home Minister has no idea of the working of the Press advisory system in the different Provinces of this country.

Shri Rajagopalachari: I do not think I have given reason for that presumption. I know very many of their workings. I know quite a lot of them. If necessary, I can give some absurd illustrations also.

Shri Deshbandhu Gupta: I am glad that the hon. the Home Minister recognizes that this Press advisory system had been working satisfactorily and the editors have not been found wanting in courage in giving the right advice to the Government.

The point I wanted to make out was this. The hon. the Home Minister in the course of his speech more than once said that the A.I.N.E.C. has been passing pious resolutions and those resolutions had no authority and they had not the effect on the erring newspapers as he would like that they should have. I admit. I agree that the Press Advisory Committees had not the authority. But it is one thing to have authority, and it is quite another thing, whatever limited authority is given to them, whether they have or have not discharged their duty rightly. I want to assure the hon. the Home Minister and this House that no complaint has come from any part of the country that the Press Advisory Committees have not functioned with the sense of responsibility which was expected of them. As a matter of fact, as my friend Mr. Shiva Rao pointed out, after the murder of Mahatmaji in Delhi it was at the instance of the Central Press Advisory Committee that an emergency meeting was called and the Central Press Advisory Committee went to the extent of recommending

suspension and closure of certain papers which in their opinion had been indulging in provocative writings before the murder of Mahatmaji.

Shri Rajagopalachari: But the horse had been stolen.

Shri Deshbandhu Gupta: That is unfortunately true, that in spite of the Home Ministry's watchfulness and in spite of the forces we had at our command that could not be helped.

But my point is this. Let us not in our enthusiasm for a measure like this ignore the fact that the Press of India had stood by the country. In the struggle for Freedom they have made the maximum sacrifices. Many of them voluntarily closed their papers. Many of them allowed the entire staff to go underground and work for the Congress movement. They have incurred the maximum punishments. That aspect, that brilliant chapter of the Indian Press should not be ignored when we advocate a measure like this and when we have to countenance an opposition from the same Press. I may be allowed to say I do not mean to make any comments which may be unpalatable to the hon. the Home Minister, but I must say that in his enthusiasm for this Bill he has been rather unkind.....

Shri Rajagopalachari: What is not palatable to me is not his saying anything by way of comments. What is not palatable to me is that any appeal should be made that services done to the Congress should be returned in this manner or in any other manner. It was done because you were citizens of the country, not because you thought you had any right to expect any favours in legislation or in any other matter.

Shri Deshbandhu Gupta: Unfortunately the whole difficulty is this that when the hon. the Home Minister undertakes a legislation he thinks in terms of favours and concessions. That is not the spirit.....

Shri Rajagopalachari: No. I protest. I think only in terms of what is right and wrong and any reference to favour, concession, return, gratitude or consideration is most unpalatable to me.

Shri Deshbandhu Gupta: I am glad that the Home Minister has that yardstick. And I can tell him that the Press of India does not claim or want any favour. If I said anything today it was because I felt.....

Shri Rajagopalachari: Why should any reference be made to services rendered to the Congress in this connection?

Shri Deshbandhu Gupta: I said to the country, if you will kindly refer. What I said was that the Press of India which has been helping, I would say, the administration of the country, I would say, law and order of the country and has not been found wanting in the fight for Freedom—if, that Press of India today unitedly feels on a subject that they are not being treated well or that something is being done which should not be done, their opinion should not be dismissed cursorily. That is what I was trying to argue.

If the editor of the *Hindu*, my friend Mr. K. Srinivasan.....

Shri Rajagopalachari: I must tell you, Madam, that he is giving so much matter for me to reply that if he goes on at this rate I would need a lot of time to reply.

Shri Deshbandhu Gupta: The hon. Minister is taking leave of this House and at the treat that he has given us twice we will enjoy. I can assure him we are prepared to sit till midnight if he wants to speak for long.

Madam, I can assure you that I do not want to be unnecessarily long, but something has to be said because the hon. the Home Minister devoted a good deal of his speech to observations on the Press of India and the newspaper organisation in India. But I will not dilate on that any more. I only want to say that if at all during the last thirty years public opinion was interpreted by the comments and editorials written by the newspapers in this country, it could not be said today that the editorials and comments made by the newspapers today cease to reflect public opinion because there is a measure which concerns the Press and which also, in my opinion, equally concerns the freedom of the individual. Anyway, that I think was part of advocacy and that should be permissible on an occasion like this.

But, now I just wanted to say that the Bill has considerably improved. I have recognized this fact and I have no doubt that the Press of India will also recognize that fact. But the main complaint of the Press, the stand taken by the Press, the fundamental stand that there should be no separate legislation still remains there, and the only redeeming feature, from that point of view, of this Bill is the last amendment of my friend Mr. Shiva Rao which the hon. the Home Minister has accepted. We could accept any legislation as an emergency measure. The word 'emergency' is not here. The hon.

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the Home Minister, astute lawyer as he is, has put it on considerations other than emergency. But the fact remains that today it is limited to a period of two years. It is a temporary measure, if I may say so. That being the case it takes away a good deal of the opposition which was originally voiced, and rightly voiced, against this legislation. If my hon. friend had brought forward this measure in this form in the very beginning, I am sure much of the adverse criticism would have been avoided.

Shri J. R. Kapoor: All is well that ends well.

Shri Deshbandhu Gupta: Although he is a universally respected Brahman, in the true sense of the word, I must say that in piloting this Bill the hon. the Home Minister has behaved like a very cunning *Bania*. This has its advantages but it has also its disadvantages. The psychological effect created in the country would have been entirely different if the approach from the very beginning was a different approach. In any case, let us not cry over spilt milk or comment on a thing which is a matter of the past now.

The Bill has been improved but there are certain features of the Bill which are, I would say, still very obnoxious. What are those features? Those features, I would say are the vicarious punishment for the keeper and the owner of the press, who is not expected to know what is being published in a leaflet, in a book or a newspaper. This is a thing which today does not exist in any part, in any democratically governed country.

Shri B. Das: It exists in India.

Shri Deshbandhu Gupta: It is true that it existed here, but it was promised that it should not exist after the attainment of freedom and I have no doubt that it is not going to remain there. It is a question of months, and not even of two years. I think this obnoxious feature of this Bill will go because I never had any doubt about the intentions of the Government in this matter.

The second feature of this Bill, which if it is not too late to amend even now, I would say is the unlimited amount of security. That is one provision of this Bill which has been universally condemned by the Press, and if I may say so, also by this House. There has been opposition to this provision. This is a worse provision than the Press (Emergency Powers) Act of 1931. Admittedly so there was a limit to the security but here in this case there is no limit to a security. If he chooses, a district magistrate today can demand a security of a lakh of rupees from an erring paper which will mean virtually the closure of the paper. Therefore, no newspaper-man can be a party to a legislation which has got a provision like this, the like of which was not there even under the British rule.

The forfeiture of the press is another obnoxious clause. That clause also is an indefensible one in a free country like ours. There are other clauses and particularly the Explanation which has been added to clause 3. Whereas clause 3 has been considerably improved by dropping certain sub-clauses and by amending others, the Explanation that has been added does not provide for taking into account the intention of the keeper and even the knowledge of the keeper. I must say that is the most objectionable feature of this Bill and no Pressman and no person who loves the freedom of the Press can be a party to a legislation which provides the maximum punishment—the forfeiture of the press an offence for which the keeper and the owner of the Press may not even be aware of. I know the vigilance shown by the House; some improvements have been made and some checks and counter-checks have been provided. I am not ignorant of that fact but the fact remains that this Explanation added to the Bill has introduced a new element which was not originally there and, if I may say so, has made things worse.

In the course of the speech delivered by the hon. Home Minister reference was made to pre-censorship order which President Truman has introduced in America. I am sorry that the hon. Home Minister has not been rightly briefed on that point. If he would refer to the order which has been passed in U.S.A. he will find that there is no such thing as a pre-censorship order. All that President Truman has done is to impose limitation on the department which issues news to the newspapers. In this connection, I would like to read from an extract of the *Hindu* which appeared only yesterday:

> "The Home Minister tried to rope in even President Truman's order, which has created a furore in America, as proof that the American Government were contemplating pre-censorship. Actually they are being vigorously assailed for telling the Government Departments that they may withhold from the Press official news and reports publication of which may be pre-

judicial to public security. The sober *Christian Science Monitor* has gone so far as to suggest that President Truman was following in the footsteps of Peron. The Government of India, instead of casting about for precedents which are not there, should reflect that if they are really anxious that the Press should exercise discipline from within the first thing they should do is to drop the Bill."

That was the opinion expressed by the *Hindu* yesterday. I may point out that President Truman has subsequently clarified the position. He said:

> "The American people have a fundamental right to information about their Government and there is no element of censorship either direct or implied in this order. The order applies only to officials and employees of the executive branch of the Government. The public is requested to co-operate, but is under no compulsion or threat or penalty to do so as a result of this order."

So the information given by the hon. Home Minister was not right on this point and I may tell him that even this order which is so limited in its scope has been very widely resented in America, so much so 43 U.S. leading newspaper editors and publishers on 30th September in Chicago adopted a stern declaration of the freedom.....

Shri Rajagopalachari: You need not very much enlarge upon that.

Shri Deshbandhu Gupta: I wanted to correct the hon. Minister and if he is wrong and I am correct, I need not labour that point any more.

A reference was made by the hon. Home Minister in the course of his speech to the Press Laws Inquiry Committee recommendations. I will quote from his speech and remind him of what he said about that. In that context he referred to Mr. K. Srinivasan and my friend, the late Syed Brelvi who had appended their signatures to that report. He said:

> "It is a document in which not alone ordinary politicians and statesmen but Mr. Brelvi and Mr. K. Srinivasan have put their signatures in the general report, apart from the minute of dissent of Mr. Tushar Kanti Ghose which does not cover this point."

He was referring to the security section and in this context he quoted that Mr. K. Srinivasan and Mr. Brelvi have appended their signatures to that recommendation. I may remind him that perhaps that has escaped his notice. It is only fair that it should come before the House that in the Press Laws Inquiry Committee report—clause 68—his attention probably has not been drawn to a foot-note in which it is said that Mr. S. A. Brelvi.....

Shri Rajagopalachari: It is not correct. I read the foot-note. I kept the foot-note in my mind and I made no statement contrary to the foot-note. I restricted my authority in quoting Mr. Srinivasan and Brelvi's support to the general report. I did not overlook the foot-note. I did not make any statement contrary to the foot-note. Mr. Srinivasan has written also to me and I have checked it.

8 P.M.

Shri Deshbandhu Gupta: I am glad that the hon. Minister's attention has already been drawn to that foot-note or that he had that information beforehand. I do not want to take the time of the House, nor do I wish to indulge in any controversy particularly after he has made that statement. But, the impression created in this House by the reference he had made in the course of his speech was that persons like Mr. K. Srinivasan and Syed Brelvi were a party to the recommendations of that Committee which had advocated temporary closure of the press. I only want to remove that impression and say that in the Press Laws Enquiry Committee's report, these stalwart journalists who were highly respected all over the country had appended a foot-note saying that they did not approve of this recommendation.

I wish to point out that although the Bill has been considerably improved, the fact ramains that not only the Press, but many associations who are concerned about the freedom of Press have voiced their protest even after the Bill emerged from the Select Committee. In this connection, I would like to invite the attention of the House to the resolutions passed by the C.P.A.C. of the A.I.N.E.C., the Journalists' Federation, the Journalists' Association of Assam, the Civil Liberties Union and the Liberal Federation. All these bodies have severely criticised the provisions of this Bill after it emerged from the Select Committee. Of course, it may not be correct today, as the provisions of the Bill, as it emerged from the Select Committee have been considerably changed in this House. I want to point out that it was not only the Press of India, but other associations in the country which were concerned with the freedom of the

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Press, were equally critical of the measure which was brought before this House.

Hon. Members: It is already eight o'clock.

Shri Deshbandhu Gupta: The hon. Home Minister also referred to the demand made by the newspapers that in a measure like this they should have been consulted beforehand. The hon. Home Minister interpreted it to mean that the A.I.N.E.C. perhaps wanted the prerogative or the right that they should have been consulted beforehand and nothing should have been done which had not their approval. I want to submit very respectfully that there was no such unreasonable demand made by the A.I.N.E.C.

Mr. Chairman: Hon. Members seem to be very anxious to adjourn now for dinner. May I suggest that we close by 8-30 and then not meet after dinner?

Shri Rajagopalachari: I hope Mr. Deshbandhu Gupta will not spoil the beauty of his good speech by rambling like this at the end.

Shri Deshbandhu Gupta: I would like to conclude in another 15 or 20 minutes, if the House agrees to sit.

Shri Sidhva: That would be better; otherwise, he will take half an hour after dinner.

Mr. Chairman: The House will be willing to sit till 8-30. Then let us conclude.

Shri Rajagopalachari: If we meet after dinner, he will have to recapitulate. He will finish the speech now. The best part of it is already over.

Shri Deshbandhu Gupta: I am not anxious to prolong my speech.

Mr. Chairman: I think we should agree to close by 8-30 and not meet after dinner.

Shri Deshbandhu Gupta: That would be enough.

Mr. Chairman: Shri Deshbandhu Gupta will finish in ten minutes. The rest of the time would be divided among the other Members.

Pandit Thakur Das Bhargava: He wants 15 to 20 minutes; you give him ten minutes.

Some Hon. Members: We want to speak. We may meet after dinner.

Mr. Chairman: May I suggest that if speeches go on after dinner also, no report may be kept of them?

Several Hon. Members: No, no.

Shri Naziruddin Ahmad: The Prime Minister said that we would meet after dinner. We are ready to sit.

Shri Kamath: The speeches should be on record, as long as Parliament sits.

Mr. Chairman: I am just putting it. The hon. Member may just keep his soul in patience for some time. We all of us will consider this question. If they want to sit till midnight and tomorrow, I have no objection.

Hon. Members: Tomorrow we have decided not to sit.

Mr. Chairman: I would appeal to hon. Members to make brief submissions towards the close.

Shri R. K. Chaudhuri: What about my suggestion? Let us sit tomorrow; let us forego a holiday.

Several Hon. Members: No, no.

Shri R. K. Chaudhuri: Then we must sit till midnight.

Prof. K. K. Bhattacharya: We must have our say on this important Bill. It must not be rushed like this.

Shri Kamath: It is an important Bill; you should not throttle debate over this important matter.

Mr. Chairman: Is it suggested that we will adjourn at 8-30 and meet after dinner and go on for an hour?

Some Hon. Members: Yes.

Some Hon. Members: No.

Mr. Chairman: The point is that we meet after dinner and go on for a couple of hours.

Shri Kamath: That is all right.

Prof. K. K. Bhattacharya: And go on throughout the night till six o'clock.

Shri Kamath: A midnight session.

Shri R. K. Chaudhuri: If you sit after dinner, what guarantee is there that we will be sober after dinner?

Shri Deshbandhu Gupta: May I continue, Madam?

Mr. Chairman: Proceed and finish soon.

Shri Deshbandhu Gupta: I will try to be very brief.

There are some suggestions; one suggestion particularly which has been made by the hon. Home Minister in the course of his speech. That suggestion deals with a Council of discipline or whatever you may call it.

Shri Rajagopalachari: A Press Council like the Bar Council.

Shri Deshbandhu Gupta: With regard to that suggestion, of course, I may say that it is a novel suggestion that has been made by the hon. Home Minister. One of the reasons given by the hon. Home Minister for limiting the period of the duration of this Bill is that he has made a similar suggestion in another Bill.

Dr. Deshmukh (Madhya Pradesh): I would like to draw the attention of the Chair to the fact that all the members of the Press have left from the Press Gallery.

Shri Diwakar: We are not here for the Press.

Mr. Chairman: I may inform hon. Members that the Chair is not concerned whether the Press people are there or not.

Dr. Deshmukh: Since they sit behind the Chair I wanted to draw your attention to it, just for the sake of giving the Chair the information.

Mr. Chairman: That is the hon. Member's concern. If the Press people are not there, many hon. Members may not like to speak.

Shri Sidhva: But Shri Deshbandhu Gupta's speech will anyhow come in the papers.

Pandit Malaviya (Uttar Pradesh): It is true that we need not be concerned whether the Press people are there or not. But sitting here we could see some members of the Press in the galleries ask the others to leave and I actually saw that one member of the Press was being physically dragged away by another. I only wish to say that this kind of thing is not in keeping with the dignity of this House and if the Chair deems it fit, the Chair may make an appeal to the Press not to do anything like this.

Shri Rajagopalachari: I am sorry that this sort of thing is being discussed. The members of the Press are here out of their own volition and for their own purpose. What have we got to do whether they drag one another or remain? We have got our reports of the proceedings and we have to attend to our duties. Why should we interfere with the freedom of the Press in this way.

Shri Deshbandhu Gupta: I was referring, to the suggestion made by the hon. Home Minister in the course of his speech for a Press Council. . .

Shri Kamath: May I know whether the Home Minister's invitation to the Press to join us at dinner stands?

An Hon. Member: Let us get along with the debate.

Shri Kamath: But the members of the Press have reappeared in the Press Gallery, and they should be sure of the dinner.

Mr. Chairman: I wish to say that the members of the Press are free to appear and disappear and again reappear.

Shri Kamath: But does the invitation to dinner stand?

Mr. Chairman: Mr. Gupta may go on.

Shri Deshbandhu Gupta: Unfortunately I am not allowed to. The House is in a jovial mood and I think serious things had better not be said at this moment. Therefore, I will cut short my speech and only try to give my reactions to the suggestion made by the hon. Home Minister—an important suggestion—in the course of his speech.

An Hon. Member: How many minutes will you take?

Shri Deshbandhu Gupta: If you will allow me to continue you will know how long I will take, but if interrupted like this, there is no point in asking me how long I will take.

Anyway, as regards this suggestion, I am not in a position at the moment to say what will be the reaction of the Press of India to it. Attention has been drawn to this suggestion by one of the leading papers—the *Hindu*—which says:

> "The Home Minister expressed the hope that at some future time the organised Press would frame its own Code and set up its own Council of Discipline and ask Government for statutory powers to execute its decisions regarding breach of discipline. And he went on to say that the Government would then gladly give the Council such powers and scrap this legislation. But he seems to have overlooked the fact that such

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Codes as Law and Medicine have evolved and the British Royal Commission would like to see the Press Council to evolve for journalism, deal with professional ethics. It is only a free Press that can evolve the moral authority which is nine parts of any worthwhile discipline. The Home Minister cited the examples of Law and Medicine. But the practitioners of neither Law nor Medicine are being harried by special criminal laws."

Anyway, I am not concerned with the last part of the comment. The only fact is that there is a distinction between the professions of law and medicine and journalism. Obviously, this point need not be elaborated, but anyway I am not giving my opinion. . . . .

Shri Rajagopalachari: If the hon. Member is not giving his opinion, is he not confirming what the *Hindu* said, what is the object of reading the *Hindu*? Is it to be our Code of Manu? Does the hon. Member remember there is a Legal Practitioners' Act, there are many laws affecting doctors, lawyers and others, and petty criminal laws?

Shri Deshbandhu Gupta: If the hon. Minister had just allowed me to conclude my sentence, I only wanted to say that this is a suggestion worth considering. . . .

Shri Rajagopalachari: I presented a suggestion in all humility, for the Press as a whole to consider, and not to give it off now as a part of the agitation against the Bill. Let them consider it, and we shall have their opinion. What is the use of giving immediate reactions?

Shri Deshbandhu Gupta: All I wanted to say is that this is a suggestion which has been made for the first time and it will be duly considered—that is all I wanted to say. I gave the first reaction of the Press to that, so that the hon. Minister may know that today the first reaction to that proposal has been this. But it is a suggestion which must be considered seriously and will be considered seriously.

I would like to say that in spite of the improvements effected in the Bill I am not happy about the passage of this measure nor can the Press of India be happy on having an enactment of this kind on the statute book. Particularly, on the eve of the elections a measure of this magnitude should have been left over to the coming Parliament. In this connection, I would like to invite the attention of the hon. Home Minister and of this House—I am glad the hon. Prime Minister also is in his seat at the moment—to what that great friend of the Press, the late Sir Tej Bahadur Sapru, addressing the All-India Newspaper Editors' Conference in 1946 in Allahabad, the home town of the hon. Prime Minister, had said. Most probably the Prime Minister was also present on that occasion. He was addressing the Editors on the Press laws of India. On that occasion he had given the following advice:

"One of the duties of the new Government will perhaps be the revision of the statute law. I am personally of opinion that our entire body of criminal law is very much outdated, and what you require at the present moment is a thorough revision of the statute book. There are offences which ought not to be any longer offences, there are other acts which have to be made offences, and there is above all the question of sentence which has got to be revised. Your criminal law is very very antiquated and out of date and the world has advanced a great deal since the day when Macaulay is supposed to have drafted the Penal Code."

Further on, he said:

"You will have to consider, when the time comes for you to draft a Constitution, whether you will insist upon a constitutional guarantee that the Press shall be free. There I venture to differ from the British point of view. I do not accept the view that in India it is not necessary to have fundamental rights. I think it is very necessary and in many of the Constitutions framed after World War I fundamental rights are provided. Secondly, in a country like India where there are so many inequalities, it is very necessary that the law must make provision for fundamental rights."

Then he said:

"In the case of the Press which represents the views of the whole community or a section of the community, it is very necessary that a guarantee should be given to you so that the party in power,"

Mark the words:

".... so that the party in power will not on certain conceivable occasions interfere with the liberty of the Press."

Sir Tej Bahadur said he thought that:

> "The law enabling the Government to demand security or to forfeit it must disappear. The press concerned or the editor concerned, it was true, could challenge the order but in actual practice it was an uphill task to succeed in a case like that."

And he concluded—I want this honourable House, you, and Members of the Treasury Benches to appreciate the sentiments expressed in these few last lines:

> "As a result, this task of overhauling the law so as to enlarge the scope of freedom and to ensure absolute liberty should be one of the first fruits of the new Government. I think it is far better that the scope of liberty should be enlarged by men who believe in liberty rather than by men who believe in mere law and order. It is for this reason that I ask you to wait for a year longer".

This was in the year 1946 when we had not attained freedom. He counselled the editors at that time to wait for one year and give this privilege to the first free Government of free India to overhaul the Press laws and to enlarge the scope of freedom. How I wish on this occasion the first measure passed by this House, the free Parliament of free India, had reflected the views expressed by that legal luminary and the friend of the Press. I am sorry, I cannot congratulate the Government and the hon. Home Minister on the first measure dealing with the Press on the terms in which it is being passed. We had hoped that the first measure would deal with repealing the existing Press laws against which the Press of India had been fighting for many many years. Unfortunately, whatever may be the intentions—and there is no one in this House who doubts the intentions of the Government—the Press cannot help expressing its keen sense of disappointment at the fact that the first measure which has been presented to the country, and to the Press of India, does not enlarge the scope of freedom which was enjoyed by the Press; if I may say so, in certain respects it restricts that freedom.

I wish I could rise in my seat today and congratulate the hon. Home Minister, who will be taking leave of us, on this parting present to this House and to the Press of India!

There is just one more aspect of the question to which I would like to refer briefly and that is the constitutional aspect of this Bill. I personally feel and I am sure many Members of this House feel that the restrictions which this Bill seeks to impose on the Press are not in consonance with the spirit of the Constitution, and exceed the limits placed by the Constitution. Whether they are 'resonable restriction'—that remains to be seen. I hold that the passage of this Bill is a personal triumph for the hon. the Home Minister. I wish I could say that it is a triumph of the statesmanship of the Government. Unfortunately, I am not in a position to say that. But I must repeat that the Bill as it has merged finally has been considerably improved and let us hope that this limit of two years will be further reduced and as soon as the new Parliament comes in we shall have this Bill repealed and restore to the Press the freedom which the Press of a country—a great country—like ours should have. It should be no less than the freedom enjoyed by the Press in other democratic countries in the world.

With these words, I conclude my remarks and I again acknowledge the spirit of accommodation shown by the Home Minister today and also express my gratitude to hon. Members of this House who took great interest and helped in getting this measure considerably amended.

The House then adjourned for Dinner till a Quarter Past Nine of the Clock.

The House re-assembled after Dinner at Quarter Past Nine of the Clock.

[SHRIMATI DURGABAI *in the Chair*]

Shri Sidhva: I wish to point out that some of us who were in the Select Committee and who want to support the Bill, should be given a chance to speak. Just for the sake of accommodating the opponents of this Bill we have not spoken till now.

Mr. Chairman: I would ask hon. Members to send their names to me, with the right reserved to me to call or not to call them.

I would also suggest, that if hon. Members have no objection we may have a time-limit of ten minutes, and fifteen minutes in exceptional cases.

Pandit Malaviya: How can we have a time-limit? We have done the whole thing gracefully. We may of course ask them to finish in a few minutes. After having spent so much time, it would be wrong now to give up the normal procedure and fix a time-limit. I am not in favour of anybody speak-

[Pandit Malaviya]

ing, but I would be glad if there is no time-limit.

Mr. Chairman: Let us see how it works.

[MR. DEPUTY-SPEAKER *in the Chair*]

श्री ऐम० पी० मिश्र : अध्यक्ष महोदय, इस विधेयक की धाराओं पर जब विचार होता रहा तो इस में काफ़ी सुधार हुआ है, इस बात को मैं क़बूल करता हूं और इस के लिये मैं हृदय से गृह मंत्री को बधाई देता हूं। मैं समझता हूं कि इस बिल के जितने विषैले दांत थे उन में से बहुत ज्यादा तोड़ डाले गये हैं।

एक माननीय सदस्य : सभी तोड़ डाले गये हैं।

श्री ऐम० पी० मिश्र : मैं इस बात को नहीं मानता। इस बिल के जितने विषैले दांत थे उन में से बहुत ज्यादा तोड़ दिये गये हैं। और मुझे इस बात की खुशी है कि जनमत का आदर कर के गृह मंत्री ने, सरकार ने, इस बिल को इतना सुधार दिया है और जनमत का आदर किया है। लेकिन मैं एक बात बहुत आदर के साथ कहना चाहता हूं कि जो उद्देश्य इस बिल के पीछे रहा है उस उद्देश्य में ही एक बहुत बड़ा भ्रम रहा है। मैं समझता हूं कि अंग्रेजी राज्य ने जब प्रैस के सम्बन्ध में दमनकारी क़ानून बनाये थे तो मेरा ख्याल है कि उन की दृष्टि से उन क़ानूनों की जरूरत थी। अंग्रेज कभी नहीं चाहते थे कि इस देश में स्वराज्य की लड़ाई आगे बढ़ाई जाय। और उस के प्रतिकूल इस देश का समूचा प्रैस, इस देश के लगभग सभी समाचार पत्र, दो तीन गोरे अखबारों को छोड़ कर,...

श्री कामत : अधगोरे भी।

श्री ऐम० पी० मिश्र : गोरे और अधगोरे अखबारों को छोड़ कर इस देश के सभी समाचारपत्र देश की आज़ादी की लड़ाई में ठीक वैसे ही लड़ रहे थे जैसे कि कोई भी आज़ादी के सिपाही लड़ते थे। उस हालत में अंग्रेज़ों के लिये अपनी हस्ती क़ायम रखने के लिये लाज़मी था कि प्रैस के लिये दमनकारी क़ानून बनाते। अब स्वराज्य हो जाने के बाद मेरा ख्याल है कि देश के अखबारों में ऐसे अखबारों की तादाद बहुत कम है जो इस मौजूदा सरकार के प्रतिकूल हों, और हमारी पहली प्रजातन्त्र सरकार के प्रति वह रुख रखते हों जो पहले के अखबार अंग्रेज़ी राज्य के प्रति रखते थे। मेरा ख्याल है कि मूलतः देश के बहुतेरे, प्रायः सभी समाचार पत्र प्रजातन्त्र के समर्थक हैं और प्रजातन्त्र का साथ देते हैं। ऐसी हालत में क़रीब क़रीब वैसे ही बिल लाना जो कि विदेशी हुकूमत देश की आज़ादी की लड़ाई को कुचलने के लिए बनाती थी, मेरी राय में अवांछनीय था। यह ज़रूरी नहीं था और ऐसा करना खतरनाक है। लेकिन इस दो तीन चार दिनों की बहस के दौरान में इस बिल के उन रूपों को हटाया गया है और यह बिल काफ़ी सुधारा गया है, इस बात को मैं मानता हूं और इसके लिये फिर बधाई देना चाहता हूं।

लेकिन मैं एक बात को फिर कहना चाहता हूं। लोकराज, प्रजातन्त्र, एक आस्था की चीज है और वही लोग लोकराज को सफल बना सकते हैं जिन को लोकराज में विश्वास हो और वह उस के लिये जोखम उठाने के लिये तैयार हों। वैसे जोखम तो प्रजातन्त्र राज्य में क्या सभी प्रकार के राज्य में रहती है। लेकिन प्रजातन्त्र में, लोकराज में, हम को विश्वास

और आस्था होनी चाहिये और लोकराज में आस्था का अर्थ है कि हम को हमारी तमाम जनता पर भरोसा होना चाहिये।

दूसरा भ्रम प्रैस बिल के पीछे यह रहा है कि प्रैस अब एक ऐसी चीज हो गयी है कि इस के लिये नयी नयी मशीनें बन गयी हैं और इस के कारण यह बहुत ख़तरनाक बन सकता है। लेकिन मैं कहना चाहता हूं कि मशीनों की तरक़्क़ी केवल प्रैस में ही नहीं हुई है। यह तरक़्क़ी तो बहुमुखी हुई है। ऐटम बम एक ऐसा हथियार बन गया है जो जनता के हाथ में नहीं है, बल्कि सरकारों के हाथ में है। इसलिये इस बिना पर ही कि प्रैस की मशीनों में बहुत तरक़्क़ी हो गयी है और उस के लिये क़ानून बनाना चाहिये, मैं समझता हूं ग़लत ख्याल है।

इस के साथ साथ मैं इस बात पर भी ज़ोर देता हूं, मैं ज्यादा वक़्त नहीं लूंगा, कि प्रैस सम्बन्धी जो दूसरी चीज है उस को मैं मानता हूं और ज़रूरी समझता हूं कि ऐसे प्रैस कमीशन बनाने चाहियें जो उस की जांच करें। ऐसे क़ानून की आवश्यकता हो तो वह भी बनाने चाहिये जिस से प्रैस के कार्य में उन्नति हो। मैं सभी चीजों के राष्ट्रीयकरण का हामी हूं, लेकिन मैं स्वप्न में भी नहीं सोच सकता कि सरकार प्रैस का राष्ट्रीयकरण करे। रूस में यह राष्ट्रीयकरण है। लेकिन मुठ्ठी भर आदमियों का ही तमाम प्रैस पर अधिकार हो जाय, मैं मानता हूं कि सरकार इस को भी रोके। यह उस का कर्त्तव्य है। प्रैस जनता के हाथ में एक बहुत बड़ा हथियार है और वह सच मुच प्रजातन्त्र, पंचायत के हाथ में रहना चाहिये।

एक बात मैं और कहना चाहता हूं। वह यह है कि इस बिल में जहां पर हमारे गृह मंत्री जी ने बहुत कुछ सुधार किये हैं, वहां उन्हें एक चीज और कर देनी चाहिये थी। वह यह थी कि जिस तरह से ९, (३) धारा में उन्होंने सुधार किया, फ़ारफ़ीचर, जबूती को कम करने के लिये उन्होंने सज़ा और जुरमाने की व्यवस्था की, उसी तरह ६ (२) धारा में भी वैसे ही सुधार करने चाहिये थे।

एक बात के लिये मैं उन्हें और धन्यवाद दूंगा कि उन्होंने बार बार इस भवन को, देश को और जनता को विश्वास दिलाया है कि सरकार आलोचना पर कोई भी प्रतिबन्ध नहीं लगाना चाहती। सरकार के कामों की आलोचना, सरकार की नीति की आलोचना, सरकार के बुरे कामों की आलोचना करने में पूरी स्वाधीनता हमारे समाचारपत्रों को रहेगी ऐसा उन्होंने आश्वासन दिया है। मैं सिर्फ़ इतना ही चाहता हूं कि यह आश्वासन सिर्फ़ यहीं नहीं रहे, देश की तमाम सरकारों के पास, सरकार के कारकुनों के पास भी इस आश्वासन को पहुंचाना चाहिये ताकि वे इस क़ानून का दुरुपयोग न करें। क़ानून बहुत अच्छी रीति से बनाये जाते हैं, लेकिन क़ानून को चलाने वाले उस का बेजा इस्तेमाल भी करते हैं। और हमारे देश में तो इस की कई मिसालें हैं। हम अच्छे से अच्छे क़ानून बनाते हैं। हम ने ब्लैक मारकेटिंग को दबाने के कड़े से कड़े क़ानून बनाये, लेकिन बड़े बड़े ब्लैक मारकेटियर को नहीं पकड़ा गया, छोटे छोटे आदमियों को पकड़ कर रख दिया जाता है। तो मैं आपसे यह निवेदन करना चाहता हूं कि इस क़ानून के इस्तेमाल करने के लिये एक ताकीद गृह मंत्री की

[श्री ऐम० पी० मिश्र]

तरफ़ से देश भर के सरकारी कारकुनों के पास, राज्य सरकारों के पास जानी चाहिये कि इस का दुरुपयोग न हो क्योंकि हम आप बहुत थोड़े लोग हैं जो समझ सकते हैं कि सच्ची आलोचना क्या है और बिल में जो आपत्तिजनक चीज़ है वह क्या है। तो इस तरह की ताकीद गृह मंत्री जी को कर देनी चाहिये।

अन्त में मैं, अध्यक्ष महोदय, एक शब्द अपनी सफ़ाई में कहना चाहता हूं। हमारे राजा जी को मेरे पहले भाषण की कुछ चीज़ों से बड़ा असन्तोष हुआ था और उन्होंने दुःख प्रकट किया था। मेरा कभी इरादा नहीं था कि मैं उन्हें दुःख पहुंचाऊं। मेरा कभी यह भी इरादा नहीं था कि मैं उन का कोई अनादर करूं। राजाजी नये हिन्दुस्तान के बनाने वालों में एक हैं और हमीं क्या आने वाली पीढ़ियां भी उन का नाम आदर से याद करेंगी। लेकिन सिर्फ़ इस बिल के सम्बन्ध में मेरा जो मतभेद था उसे मैं ने बहुत ज़ोरदार तरीक़े से ज़रूर रखा और इसे मैं अपनी तरफ़ से सही समझता था।

मुझे इस बात की खुशी है कि कई दिनों के विवाद के बाद यह बिल कम से कम ऐसा होकर ज़रूर निकलेगा कि समाचार पत्रों को और उन समाचार पत्रों को जो सच्चे हैं, जो सच्ची रीति से चलते हैं, उनको इससे खतरा नहीं होगा।

(English translation of the above speech)

Shri M. P. Mishra: When the clauses of this Bill were considered, sufficient improvements were made. I accept this issue now and congratulate the Minister of Home Affairs heartily. I understand most of the venomous teeth of this Bill have been broken.

An Hon. Member: All of them have been broken.

Shri M. P. Mishra: I do not agree with that. I feel that most of the bad points of this Bill have been removed, and I am delighted to see that the Home Minister and the Government having respected public opinion, have to a great deal improved the Bill and thus honoured public opinion; but here I want to submit respectfully that there has been a big illusion as to the aim of the Bill. I think when the British Government made the repressive laws regarding the Press they had a need for them. The British never wanted the struggle for freedom to gain ground in this country and, contrary to that, the entire press of this country, almost all the newspapers of this land excepting two or three British owned newspapers. . .

Shri Kamath: Semi-British ones also.

Shri M. P. Mishra: Excepting the British and semi-British owned newspapers almost all other newspapers fought for the freedom of this country in the same way as the soldiers for freedom did. It was essential to their very existence that the British Government made repressive laws. Now after independence, I think the newspapers against the present Government that is, those having the same attitude towards this first democratic Government of ours which newspapers of the past had towards the British Government, are very few in number. I think most of them, almost all of them support democracy and go with it. I think it was undesirable, in such circumstances, to introduce a Bill in the way the foreign Government did for suppressing the struggle for independence, it was unnecessary and such a practice is very dangerous. During the discussions held during these three or four days those features of the Bill have been removed and the Bill has been amended a lot. I do admit that and want to congratulate you upon it again

But one more thing I want to say. People's Government or democracy is a matter of belief. They only can make it successful who believe in people's Government and are prepared to take risks for it. Such risks are always there in any type of Government, but we should have faith and belief in democracy, in people's Government, and the belief in people's Government means that we should have confidence in our people.

The second misunderstanding about Press is that since new machines are in vogue, it can become a very dangerous thing. But I want to submit that the progress in machinery has not only been in the press but in other fields also. Atom Bomb has become so powerful a weapon and it is not in the hands of the people but in the hands of the Government. So thinking that there has been a lot of progress in the machinery and so a law should be made for it, is a wrong procedure.

Besides this I do emphasize—I will not take much time—the second item regarding the press. I accept and think it necessary that Press Commissions as enquire into its conditions should be established. If such a law is needed it should be made so that there may be a definite progress in the activities of the Press. I am a supporter of the nationalization of all things, but I cannot even dream of the Government nationalizing the press. In Russia it is nationalized. But that a handful of people command the entire Press, I think the Government should stop that too. This is their duty. Press in the hands of the people is a very forceful weapon and it should, in fact, be in the hands of the democracy or the *panchayat*.

One thing more that I want to say is, where our hon. Home Minister made many an amendment, he ought to have done one more thing, i.e., as he made amendments in clause 9(3) regarding forfeiture and confiscation he made provision for punishment and fine, likewise amendments ought to have been made in clause 6(2) also.

I shall thank him more for one thing. Off and on he has assured this House, this country and the people that the Government do not want to impose restrictions on criticism. He has also assured us that our newspapers shall have liberty of criticising the activities, the policy and the evils of the Government. I want only this much that this assurance be not limited to this House, but should be conveyed to all the State Governments and the Government officials so that they may not misuse the law. Laws are made with pious intentions but officers of law put it to undue use. We see many examples of this in our country. We make the best laws. We made severest laws for crushing the black-marketing but big black-marketeers could not be arrested, only small sharks were caught. Well, I want to submit that the hon. Home Minister may issue a notice to the effect that this law may not be misused and it should be circulated to all the Government officials of the country and other provincial Governments, because we people here are very few to understand as to what real criticism is and what an objectionable thing is. Such a circular should be issued by the Home Minister.

In the end, I want to say a word in my own defence. Our Rajaji was very much displeased with some portions of my last speech and he expressed regret for it. I never intended that he should be aggrieved, nor did I mean to show disrespect to him. Rajaji is one of the founders of new India, and the coming generations, much less we, shall remember his name with respect. But, whatever differences I had with regard to this Bill, I have brought before you emphatically, which I on my own part think correct.

I am much pleased for the fact that this Bill after being discussed for so many days, will at least come out so modified that the right kind of newspapers will not be harmed by it.

Shri Kamath: Speaking on the motion for referring the Bill to Select Committee, I had expressed the hope, the ardent hope, that the Bill when it emerged from the Select Committee, would be changed so much and so radically that it would be beyond recognition. I am glad to see that, though its face has not been completely changed, there has been a considerable amount of face-lifting by the end of the second reading, and to that extent the Bill has very considerably improved; and it struck me when the President of the All-India Newspaper Editors' Conference congratulated or paid a very handsome encomium to the hon. Minister, though I know the Minister is not very fond of encomiums. He has been a man—to put it in a few words—who trusts in God and does the right.....

Dr. Deshmukh: Does the right thing first and then trusts in God.

Shri Kamath: I do not know what my friend Dr. Deshmukh puts first, but I know that the Minister puts God first. I was gratified to see my friend Mr. Pressbandhu Gupta, also feeling very happy at the turn the Bill has taken, and I was reminded of what Arjuna said at the end of the Gita:

नष्टो मोह: स्मृतिर्लब्धा त्वत्प्रसादात् . . . . . स्थितोऽस्मि गतसंदेह: though not करिष्ये वचनं तव ।

I thought that his speech tended or was calculated to create that impression. The Home Minister, if he will

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not take it amiss and if he will not consider me flippant, has at the end of his present Parliamentary career, of his Ministerial career, very rightly earned the title—may I say again without being flippant, without casting any reflection on his wisdom—the title of "Pressacharya". He has laid down such a code of conduct for the Press that everybody who has got any solicitude for the Press as well as for the country would be very happy to refer to him affectionately as "Pressacharya". I find that the Bill itself has been referred to in one of the weeklies as "Pressopanishad", and therefore it is only in the fitness of things that the person who has piloted it should be called "Pressacharya", and I think the two titles of Pressbandhu and Pressacharya will mark the passage of the Bill in this House.

We are now having a midnight sitting—not exactly a midnight sitting, it is not yet midnight—but a night sitting and after having buffetted against the Bill for so many days, we had a buffet dinner, and that has come as a very happy termination to the Bill; all the more so because it has come on the eve of the Dusehra, and still more so because the Home Minister is making his last bow to this House. I am sure he will come back again in some other capacity, and he who has been the Chief Minister of Madras, Governor of Bengal and the Governor-General of India and then the Home Minister of India, I am sure, will come back to us in some capacity or other, and I do not believe him when he says that he is leaving us for good. He will certainly come back to serve the country and to do the right thing as he sees it.

Coming to the Bill, the speech of the Home Minister in reply will be his swan song in this House. I am glad to see that one of my suggestions which I made on the last occasion when I spoke on the first reading—that the title of the Bill was itself objectionable, "the Press (Incitement to Crime) Bill" was itself objectionable—I am glad that this has been accepted by the Select Committee and by the House, and to that extent the Bill has become less objectionable. I would also have liked to see that this word "scurrilous" which the dictionary defines rather vaguely and which might be mis-interpreted by the officers of Government, was suitably amended or at least explained or deleted. Of course, there is one safeguard and it is this that the judicial process has been introduced at every stage of any proceedings that may be taken against the Press. To that extent, there is a safeguard, but I must say that even during the British regime, no Press law incorporated any provision against scurrilous writings.

Shri Rajagopalachari: They did not mind it.

Shri Kamath: Well, I do not know whether the British had one standard east of Suez and another standard west of Suez.

Dr. Deshmukh: They had.

Shri Kamath: Whether the British had one standard east of Suez and another west of Suez or not, at least about our Ministers and our Government I would have thought that they had fairly thick skins and that they would not have minded some writings which might be called scurrilous, even if there was some writing which was calculated to offend sentiment or respectability. There is provision here against obscenity and indecency and I thought that would have covered most writings that might have been held objectionable. One point that was made during the debate was that coming on the eve of the elections, this measure might be misconstrued by the people; and this has assumed some importance because during the debate on the Constitution (first amendment) Bill the Prime Minister and also the Home Minister, I believe, made a definite statement—I would not say assurance or promise because he does not like the word—that it was only an enabling measure and the present Parliament would not take any advantage to pass any restrictive legislation, and the Prime Minister repeatedly said that nothing was farther from his mind at the time than that the Press should be subjected to any restrictive legislation and that in no case would such measures be enforced during elections. But looking at the way it has been put through, and the session has been extended and we are having this night sitting, it looks as if Government have got the intention with regard to election, but it is very likely that the impression has been created and I would request the Home Minister in his concluding reply to the debate, to definitely assure the people of this country that no such intention is entertained by Government of enforcing this Bill merely during the election time. This assurance on his part about the intention of Government would go a long way to dispel any wrong or mistaken impressions that might be in the public

mind, because we have always been saying that the elections will be free and fair and whatever law is applied, will be applied equally to all. Therefore it is incumbent on Government to say exactly what their intentions are with regard to this Bill though as regards clause 3 of the Bill, in spite of the indefatigable efforts of Pandit Thakur Das Bhargava about incorporating the provision as regards intention, that amendment has not been accepted by the House; but it is very necessary that the intention of Government must be made clear to the House and to the country as regards the necessity for this Bill.

In the course of my speech on the last occasion I said that the press has been somewhat like the tenth planet in a man's horoscope—the *Dasamagraha*.

Prof. K. K. Bhattacharya: Are we believing in astrology? I take strong objection to a Member referring to astrology. . .

Shri Kamath: I am sure my friend the Professor believes in astrology.

An Hon. Member: I am told he is a palmist.

Shri Kamath: I think palmistry is a little more unscientific than astrology. Anyway, I suggested that the Press has been behaving as if it were the tenth planet in a man's horoscope and they have always been *vakra* and *rushta*:

सदा वक्र: सदा रूष्ट: सदा पूजामपेक्षते।

But today I find that that position—tenth planet position—in the horoscope is no longer occupied by the Press. After Mr. Deshbandhu Gupta's speech I find they are neither so *vakra* nor so *rushta*. Therefore, I think they have come back to the position of one of the nine planets, and no longer in the tenth planet's position in the Government's horoscope. To that extent it is really a *vijaya* on the eve of *Vijayadasami* to Government: it is a victory. The Minister has won over even the President of the A.I.N.E.C.

The Press has been all along—at least this century and a half—miscalled the forth estate—I deliberately say miscalled, because at the time the term was used, the Press was not so important an organ or instrument in the life of the nation. Later on it has been proved and it has been shown often that the pen is mightier than the sword and the Press has come to occupy a more important place in the life of the country, and I did not therefore quite feel happy when the Home Minister said that we do not wish and it is not necessary for us to depend upon the Press to the extent that we are inclined to depend upon it. That was rather an undeserved reflection upon the Press of India which has been behaving very well on the whole in the service of the country and also in its attitude to the British Government, and now to our own Government. Therefore, that remark of the hon. Minister which has hurt the feelings and sentiments of some of our press friends, I think, was somewhat uncalled for.

Before I sit down I would only refer to the Home Minister's question to me during the debate. He was reading from a magazine called *Truth* and he turned round—I was at the door of this Chamber—and he turned round and asked "Is that right Mr. Kamath?" I was sorry I was not in my seat. I heard the remark at the door and I did not want to shout, but I must say that that remark reminded me—because the subject was Truth—reminded of the old Biblical saying "What is truth?" In this case he was reading some extracts from *Truth* and in that context he asked me by whom the journal was founded. Though he was reading extracts from *Truth*, they were apparently not in conformity with truth as we know it.

I would only say that the Bill, though during the first reading, I must frankly say, did not deserve our support because of the unwholesome and undesirable provisions it contained, yet now, I am constrained to say, and I say so gladly that many of the undesirable provisions have been deleted, and many amendments have been accepted by the Home Minister so that the Bill has been altered beyond recognition, and one of the few objections, that there still are, is as ragards the size of security. If that had also been accepted by the Home Minister, by Government and by the House, that would have gone a long way towards meeting the objections. It was a reasonable objection that a ceiling to security should be there and that was not done; but by and large, though the fundamental objection of having a special Press law may still be there, but the speciality of this law has no longer, the same speciality that it had during the first reading and to the extent that all these undesirable and unnecessary and unhealthy provisions

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have been deleted from the Bill, to that extent the Bill deserves the support of the House. There is still some scope for improvement, and if that also had been done, the Bill might have been more acceptable by the House. In the absence of those provisions the Bill, while not being welcomed, will, I think, go a long way to, what has been expressed by the Home Minister as, tending to promote a healthy Press in our country. I am sure that so long as he is there on the Treasury Benches—and I dare say he will be back on the Treasury Benches—he will see to it that the law which he has initiated here is not abused, or implemented in a manner or spirit different from what the Home Minister has made clear in the House.

Shri B. Das: At the outset I must congratulate my revered friend Rajaji for consolidating all the Press Laws and the Emergency Laws. I further congratulate him on the patience he has shown, in seeing through this Bill. He has listened to every argument, right or wrong, very patiently and has replied patiently, forgetting that this was Parliament of India and behaving as the seer of the Nation and of the House and educating those who are thinking wrongly.

I was one of the few persons here —and you also, Sir,—who opposed the 1931 repressive measure tooth and nail. The psychology then was to apply the Press Law against every patriot, against every citizen of India. Today my friends of the House and my friends of the Press, that criticize the measure, forget the psychology of the Government and the people today. My friend Mr. Kamath characterized it as the fourth estate.

Shri Kamath: I said it is miscalled the fourth estate.

Shri B. Das: On hearing the Press barons in the House and the quotations of Press lords outside I felt that the Press is the ruler of India and there should be no Government, no House of the People, no democratic Legislature. That is a very wrong notion on their part. If the authorities of the Press, the editors of the Press want to serve India, they must be democratic in thought and action.

The press is all right. But what has happened since 1931? We have now got chain presses all over India. We have got a gutter press which our Prime Minister has condemned very often on the floor of the House and outside. We have a chain press which attacks our Prime Minister and Leader of the House. That is not the duty of a democratic Press. And I laughed, I smiled when it was pointed out that the Pressmen are all patriots and are serving the cause of the motherland. I have said that the atmosphere of 1931 was different. Those who are Press-owners, Press-keepers and editors must understand the psychology of 1951, which some do not. Sir Tej Bahadur Sapru's name was quoted. He was a great man. We all respect him. What did he want? He wanted the consolidation of Press Laws. And our revered friend Rajaji has done it. Unless you do it by repealing a number of Acts as are included in the Schedules you cannot consolidate the Press Laws. You cannot think leisurely of each Press Law and see if it can be further expanded. I maintain that this Bill, which is going to be an Act shortly, contains no further restrictions, applies no further undue pressure on keepers of the Press or editors of papers. This is my view. If for three or four days they continuously harp on the same point of the severity on the Press, it shows that there is something wrong in the keepers of the Press and that they are not doing their duty rightly by the people of India.

My hon. friend Mr. Kamath just now referred to the elections. At election time the Press barons, the Press lords, the Press editors will get annoyed and it will go against the Congress. That will prove their patriotism! Today and hereafter their comments may not serve the motherland. We know; although my hon. friend Shri Deshbandhu Gupta, the eminent President of the All India Newspaper Editors' Conference said that the Press is serving the motherland. I say "no". Fifty per cent of them are serving themselves and serving others, serving the reactionaries who are enemies of this country.

Shri Deshbandhu Gupta: At least fifty per cent are good according to your estimate.

Shri B. Das: I would like my friend Mr. Deshbandhu Gupta and even my friend Mr. Goenka, if he is present, to say why it is doing so much harm, trying to control even the parties, even the Government. That did not exist in 1931, of which we must be very much proud.

I do hope that the debate will teach a lesson as much to the keepers of the Press, the controllers of the Press as to the editors and all journalists. I was myself a journalist long long ago. I served my country. Let me hope

every journalist tries to serve the country and does not serve the enemy of India. Unfortunately that tendency has been rearing its head here and there, over which I am very sorry.

I once again congratulate my hon. friend Rajaji for having so patiently piloted the Bill.

Shri Sidhva: Some of us did not take any part either in the first reading or in the second reading of this Bill. We were patiently hearing the discussions on the various clauses. We deliberately and intentionally did not take part because we allowed our friends who had opposed the Bill on principle to have the fullest opportunity to express their views and convince the Home Minister. It is five days today but we sat for seven hours a day and that means virtually 7½ days have been utilized by these friends. I am very glad that they have been able to express their views. The hon. Home Minister to his great credit was able to answer every point, at every stage, successfully, most thoroughly and honestly. My hon. friend, Mr. Deshbandhu Gupta in the first reading and second reading of the Bill did not want to touch this Bill with a pair of tongs and his friends said that our Home Minister was an autocrat; he was a dictator; he was undemocratic and yet the Home Minister after hearing all that gave a brilliant reply and smashed the arguments that were advanced in the first reading. My hon. friends were helpless. I am glad that my friend, realizes the truth. I know that the Home Minister is always misunderstood when he speaks frankly and truthfully from the bottom of his heart. After realizing the truth Mr. Deshbandhu Gupta showered encomiums and gave the Home Minister credit for the manner in which he piloted the Bill and for having accepted many of the amendments and making a great improvement in the Bill. I am glad my hon. friend, Mr. Deshbandhu Gupta, who holds a very high office as the President of the A.I.N.E.C., has stated that this Bill which is now going to be passed, will be welcomed by the Press in India...

Shri Deshbandhu Gupta: I never said so.

Shri Sidhva: I heard him say so.

Shri Deshbandhu Gupta: I am afraid I never said that they would welcome it.

Shri Sidhva: I was very much impressed with his preliminary remarks where he praised the spirit of the Home Minister, but I must say that I was disappointed at a later stage when he began to sing the same music which he sang in the first and second readings. I know that the editor's pen is so powerful that it can make or mar the life of a public man; if it acts rightly, then it distinctly serves the nation and the country, but if it acts adversely and wrongly, then it is a curse to the society. The Home Minister rightly stated, times out of number, that he had brought this Bill for that class of people who advised offences and yet, my hon. friend, Shri Deshbandhu would not recognize or accept that, but would repeat the same thing over and over again. I was very sorry to hear that and despite all this, and despite the resolution of the A.I.N.E.C. which was quoted times out of number and despite the statement of the Home Minister that this was intended for a certain class of newspapers which have become a menace to the people and which depend and live upon blackmailing, Shri Deshbandhu would not accept the good intention of our Government and the hon. Home Minister. That is my great regret. What is the use in paying compliments and then stating at a later stage: "You have done this and you have done that"? I hope the day will come when this Bill will be wiped out from the statute book. We all wish that this Bill should not be there. The Government has taken the trouble of bringing this Bill which a certain class of people disapprove of. Does he dispute that he as the President of the A.I.N.E.C. cannot control their activities? I would remind him that at the last session in this very House after we passed the Constitution (First Amendment) Bill, he decided that a day should be observed as *hartal* by all the newspapers. Then as a patriot he felt that that move was wrong and held another meeting of the A.I.N.E.C. and there a majority of newspapers passed a resolution and rescinded the previous resolution. But a certain class of newspapers would not listen to him and they observed the *hartal*. I would ask him when there are so many newspapers in the A.I.N.E.C., how many obey him and obey the decision of his Conference? That is my difficulty. Therefore, it was a glorious proposition that the hon. Home Minister offered to him. He said: "I have brought this Bill to give you an opportunity to frame your own rules of conduct and have your own Council like the Bar and Medical Councils and in this I am going to support you." Was it not a gracious thing that was offered? I am very sorry that this also is taken very lightly by him. If he really feels that the

[Shri Sidhva]

10 P.M.

newspapers should be controlled by him —the A.I.N.E.C. is a very strong organization—I am sure the Government will come to his rescue. We should not blame the hon. Home Minister; he stated a hundred times, I was marking it, he repeatedly assured that he was not going to touch you people, but there was a certain class of people who wrote the most obnoxious articles and we were assured in this House that certain articles actually did appear in the Press.

I have been an editor and a proprietor for nine years and I know how they maunfacture news for the newspapers. In 1918 I was owning a paper and I know how this has become a maunfacturing business. There is a class of newspapers for which I have the greatest admiration. My hon. friend is always blaming me that I am abusing the newspapers. Let him say so. I know that the newspapers knew me very well and if they are going to write against me or abuse me, I do not mind. (*Interruption*). Whether they will do it or not, I know that they will not do it. I know they are respectable journalists and they will not do it. I am not at all in any way frightened by Mr. Deshbandhu Gupta's warning or threat that I will not get any space in the newspapers. I am not afraid of that.

This is a memorable day when we have been able to pass this Bill—it will be passed into law very shortly. I am sure my hon. friend, Mr. Deshbandhu Gupta and his associates will realize that it was the right step that the Government took and instead of carrying on counter-propaganda in the newspapers and blaming unnecessarily the Government for it and by putting forth their viewpoint on this measure, if they work this Bill for two years in the spirit in which it has been made, they would have done a distinct service to the country.

My humble appeal to Mr. Deshbandhu Gupta is that he must control all the newspapers and he must pass a resolution by calling a Conference and say: let bygones be bygones. All is well that ends well. I was sitting and listening to his speech and I was expecting that he would say that all is well that ends well. His speech was good when he started it and yet when he ended, I was rather disappointed. I think, he should have ended his speech saying all is well. I am sure that the House has now realized that the majority of the House was certainly with the Bill but we did not speak; we muzzled ourselves and allowed them the greatest latitude, but that did not mean that we are against the Bill. You have seen and Mr. Deshbandhu has admitted that we have given them the greatest latitude. You, Sir, gave them three hours for each Member and on the clauses you gave one hour to speak; irrelevant remarks and repetitions were made and still you allowed them a long rope. And the hon. Members went on. This will be on record to show whether freedom was given in this House or not. You gave them all opportunities to express their views, right or wrong, relevant or irrelevant. The House will stand at the bar of public opinion and I am sure this House has done the right service. My hon. friend Mr. Deshbandhu Gupta ironically cheers me. If he really cheers me, I am grateful to him, not for making these remarks, but for changing his angle of vision. I am very glad that he has changed it and I expect that when he goes out of the House, as the President of A.I.N.E.C., he will really change his attitude and see that the Press is guided in the right direction. If he wields his power rightly, I can assure him that even those newspapers which are not under his control will automatically come under his control. I have very great regard for my friend Mr. Deshbandhu Gupta. He started from the lowest level and has risen to the highest position. I have every admiration for him. I know him for a very long time He was then a small man.

Pandit Thakur Das Bhargava: Is Mr. Deshbandhu Gupta being discussed or the Bill?

Shri Sidhva: He is the principal Member who started the opposition for the Bill. I must necessarily mention him and pay him my compliments. But, he will be criticised if he goes the wrong way. He is my friend, and I have every admiration for him. I cannot speak of Mr. Goenka in the same way. I have not known him. Therefore, I cannot speak of him or the line of action that he will take. But I am sure Mr. Deshbandhu Gupta will not play into his hands and that he will keep his own standards and guide the newspapers and editors on the right lines. It is my humble and earnest prayer that he will succeed, as the President of the A.I.N.E.C., which is a great organisation. It has been stated that all the newspapers have raised the opposition in one voice. We know that when one has to take out money from his pocket, he cries. The people who are called upon to pay, oppose. The Press says it is affected and they raised the opposi-

tion. I do not believe the Press is affected. It was merely a propaganda that they had been carrying on. It has done good for them. They have sold many more copies, having increased the rates of subscription. We were asked to pay one anna, then two annas and then 2½ annas. They go on making profits. But, they do not realise how the public are being fleeced by these increases. I do not want to say anything more. I have got the greatest regard for newspapers. I can assure my hon. friends that all newspapers which are run on the right lines will have my admiration. Those who go wrong will be condemned by me at all times. I hope my hon. friend Mr. Deshbandhu Gupta will run the Press on the same lines and become a bigger man than what he is today.

I congratulate the hon. Home Minister for having gathered that courage and patience all these days, and borne all the adjectives that were attributed to him and come out with flying colours. I give him the greatest credit for this patience and hard work. His work will always be remembered in the history of this Parliament.

Shri T. N. Singh: When this session of Parliament is drawing to a close, it may be tiring to many Members to prolong this debate any further. But may I urge that the night is still young. Though the pilot of this Bill is fairly old, aged and tired, and the House is tired.....

Hon. Members: Not in the least.

Shri T. N. Singh: .....yet, with the nice dinner that we have had just now, we have been rejuvenated and therefore let us continue the debate.

I have really developed a great admiration for the manner in which the hon. Home Minister, at this age, day after day, worked, replied to queries, answered all sorts of heckling questions, kept his temper cool, persevered against heavy odds, and went on slogging at the Bill till all opposition today seems to have crumbled. I would not like to embarrass my hon. friend Shri Deshbandhu Gupta for he is the President of the A.I.N.E.C. and he would not like to be told that he has perforce given a tribute to the Home Minister and accepted that the Bill has been improved. But I would not put those words in his mouth, for he yet wants to appear to fight the Bill. I dare not repeat it because he may lose face among newspaper editors and journalists. So, let us not try to quote what Mr. Gupta is feeling today about this Bill.

All the same, the fact remains that today as the Bill has emerged after so much of discussion, even from the Press outside it is bound to get general approval. Not that the Press will relish all the provisions, or that it has given up the fight for freedom, but because after a little introspection I, as a member of that noble profession, can say that we do realise that probably in our veins the blood and traditions of a Lansbury or a T. P. O'Connor do not flow today. I am sorry to admit it but I have to, because I do not today see journalists who will struggle in life, without funds, without money, without help, without press, but with a small case of types going on working for the sake of propagating their views. Alas! there are no such journalists today amongst us who will carry on their noble work and fight for their noble cause whatever the odds. But I may say that even early in my career as a journalist I had a shock. If you will permit me, I will say in a few words that when I began as a newspaper reporter in a paper in my own province, an eminent editor—and he is today alive—asked me to bring reports. I was learning the work then—an apprentice on Rs. 50/- per month. Then for three days it so happened there was nothing happening anywhere, nothing to report. The courts were closed, there were not even public meetings, and political leaders too were inactive. So I could bring nothing by way of report. When my editor asked me, "Is there no copy for the press?" I had to say, "no". I was very nervous all the same, being new to the job. Still I had to say that I could get nothing to report, as there was nothing happening in the city. Then he said, "go back and even if there is nothing happening, you must bring something, anything, no matter what it is, any lie or untruth, but bring something". That is what he said to me then. And that is more true today, though this happened some 25 years ago. Today that spirit is much more in the newspaper Press and I am ashamed to admit it.

At the same time I know there are among the ranks of journalists many who are starving, just living on starvation wages, and working on because of their firm faith, that some day they will be able to preach their cause with success. They have faith in the liberties for which the Press stands and for which so many people have suffered. A rumour has been started that when the Bill is passed almost every journalist's job will be insecure. If that is how the proprietors of newspapers are going to react to this Bill, I say that is an attempt

[Shri T. N. Singh]

to sabotage anything that is called freedom of the Press. I am sure neither Pandit Nehru's Government nor our respected Home Minister ever wants that the real liberty of the Press, the freedom of the Press should be suppressed in anyway by this Bill. And the manner in which the hon. Home Minister has piloted the measure, the accommodation that he has shown, the compromises that have been effected, all these show that he is one of those men of whom it may be said as of Sri Ram:

वज्रादपि कठोराणि मृदूनि कुसुमादपि

He has shown softness where softness was necessary and strength where one has to be strong, where he had to bend, he did bend.

I would like to ask my journalist friends why they should get so upset about this measure. Is the freedom of the Press going to be snatched away through this Bill? If you really have got a spark of the freedom of the Press, can anything prevent you from asserting that freedom? I dare say it is because there are huge presses, rotaries on which people have spent lakhs and lakhs of rupees, machines on which they have invested a lot of money, that is what makes them nervous. But if they are true to the profession, can anything deter them from expressing their views? Can any Government prevent them from doing that? Let their views be only true, not the kind of views that I was asked to bring at the beginning of my career.

An Hon. Member: All editors may not be like that editor.

Shri T. N. Singh: I do not know. I do not want to give the name of the person, but sometimes he was the President of the Newspaper Editors' Conference and he was not an unworthy chairman of that august body.

I will only say that we welcome the limitations which the hon. Minister has put of two years in which the Press should have its own organisation. Let the Press concentrate on that and let the profession concentrate on that work and see that the Indian Press establishes right traditions not only for themselves but for the world to see and observe and follow.

पंडित ठाकुर दास भार्गव : मैं आप का बड़ा मश्कूर हूं कि आप ने इस मौक़े पर मुझे अपने दिली ख्यालात का इज़हार करने का मौका दिया है। मैं इस मौक़े पर श्री राजाजी की ख़िदमत में अपने ख्यालात का इज़हार किये बग़ैर नहीं रह सकता। मैं उनको मुबारकबाद पेश करता हूं। उन्होंने दरअस्ल एक बड़ी भारी जीत हासिल की है। मैं राजाजी की ख़िदमत में बड़े ज़ोर से मुबारकबाद पेश करता हूं कि उन की यह बड़ी भारी निजी जीत है कि यह बिल इस तरीके से इस हाउस में पास किया जाय।

श्री कामत : हाउस की भी ट्रायम्फ है।

पंडित ठाकुर दास भार्गव : मैं अदब से अर्ज़ करना चाहता हूं कि जो सबक़ हम ने राजाजी से इस अर्से में उनके क़दमों में बैठ कर सीखा, वह हम कभी नहीं भूलेंगे। मुझे आज वह दिन याद आता है जब यहां पर उन की जगह पर अंग्रेज़ लोग बैठे हुआ करते थे, सर चार्ल्स इन्स और दूसरे उन के साथी, और हमारे कांग्रेसी लीडर यहां बैठे हुए उन को गालियां देते थे। मैं उस वक़्त हैरान होता था कि हम उन को इतनी सख्त गालियां देते हैं। लेकिन उनके ऊपर कोई असर नहीं होता था। मूर्ति की तरह बैठे हुए सर चार्ल्स इन्स हमारी बात बहुत संजीदगी से सुनते थे। हम समझते थे कि जब हमारा राज्य आयेगा तो हमारे लीडर यह बातें बर्दाश्त नहीं कर सकेंगे कि लोग उन को गालियां दें और वह सुनते रहें। लेकिन मुझे खुशी है कि वह बात मैंने अपनी पार्लियामेन्ट और अपनी कैबिनेट (Cabinet) में देखी और मैं राजाजी के नमूने में देखता हूं कि सारी आई० सी० एस० की खूबियां राजाजी के अंदर मौजूद हैं। हम ने उन की सख्त से सख्त बात कही, हम ने सख्त से सख्त ख्यालात का इज़हार किया। उन की कूलनेस (coolness), उन की कृपा, उन की

मेहरबानी हमारी उस अक़ीदत को जो उन की तरफ़ है बहुत ज्यादा बढ़ाती है। कौन शख्स हिन्दुस्तान में आज नहीं जानता कि राजाजी उन अश्खास में हैं जो कि हमारी स्वराज्य की लड़ाई में बड़े महारथी रहे हैं। राजाजी हमेशा से मेरे लिये, हालांकि मेरी उम्र उन से बहुत छोटी नहीं, लेकिन वह मेरे लिये अक़ीदत के पात्र रहे हैं। जब राजाजी नो चेन्जर्स (No changers) में से थे तभी से मैं हमेशा उन के लेखों को पढ़ता रहा हूं, और मैं उन की राइटिंग्स (writings) का स्टूडेन्ट (student) रहा हू। मुझ अर्ज करना ह कि मैं ने देखा कि वह कितने अपने उसूल के पक्के हैं और किस क़दर उन्होंने हमारे सामने नमूना पेश किया है, यह बातें मैं राजाजी की खुशामद में नहीं पेश करता क्योंकि मैं खुशामद का आदी नहीं हूं, लेकिन मेरी दरअसल राजाजी के क़दमों में ज़बरदस्त अक़ीदत है और मैं उस को यहां बतलाना चाहता हूं कि उस की वजह यह है कि वह हमारे शुरू से लीडर रहे हैं और हम हमेशा से उन की तरफ़ guidance के लिये देखते आये। और यह कोई ताज्जुब की बात नहीं है, राजाजी को हम हमेशा से देखते आये कि उन में बड़ी विट (wit) है या जैसा कहा गया कि विदरिंग विट (withering wit) है। हम ने यहां वह स्पीचेज उन की सुनी जो पार्लियामेन्ट के रेकार्ड में हमेशा ऊन्चे दर्ज पर रहेंगी। जो जवाब में उन की हम ने आखिरी स्पीच सुनी उस में आला दर्जे की एलोक्वेन्स (eloquence) देखी। हम ने एलोक्वेन्स बहुत देखी है। लेकिन मैं जिस चीज़ की क़दर करता हूं, वह यह है कि वह न खुशामद की परवाह करते हैं न गुस्से की। वह जो सही चीज समझते हैं वही करते हैं, उसी की परवाह करते हैं। और इस सिलसिले में जो आखिरी सबक़ हमारे सामने उन्होंने आज पेश किया है उसे हम कभी नहीं भूलेंगे।

एक माननीय सदस्य: हमारे सभी मिनिस्टर ऐसे हैं।

पंडित ठाकुर दास भार्गव: हमारे सामने एक मिनिस्टर नहीं, हमारे सामने कई एक मिनिस्टर साहबान बैठे हुए हैं जिन के वास्ते मेरी अकीदतमंदी बहुत ज्यादा है। लेकिन मैं इस अक़ीदतमंदी के लिये क्या करूं। कई दफ़ा इस अक़ीदत में conflict भी पैदा हो जाती है। जब मैं अपने बुजुर्ग श्री गोपालस्वामी आयेंगर की तरफ़ देखता हूं और उन की तक़रीर की तरफ़ देखता हूं जिस का कोटेशन (quotation) मैंने दिया था जिस की वजह से मैं फ़ारफ़ीचर (forfeiture) का जानी दुश्मन हो गया था। लेकिन आज राजाजी की स्पीच को सुन कर मैं कैसे बतलाऊं कि उसका मुझ पर क्या असर हुआ है। मैं कहता हूं कि जहां तक इस क़ानून का सवाल है, जहां तक उसके खराब पहलुओं का सवाल है इस हाउस में इस बिल की ऐन्डिंग (ending) बहुत खुशगवार हुई है। लेकिन मुझे बहरहाल अफ़सोस है। जहां तक मेरा अपना सवाल है वहां तक मैं यह कहने को तैयार नहीं हूं कि मैं मुतमइन हूं इस प्रैस बिल से। मैंने इस प्रैस बिल के बारे में जिस तरह हाउस के सामने तरह तरह के मामले रखे उसे देख कर कई मेरे दोस्त कहते रहे कि कहीं देशबन्धुजी और गोयनका जी ने मुझे ब्रीफ़ (brief) तो नहीं कर दिया है। हमारे राजाजी ने जो कुछ मेरे मुताल्लिक फ़रमाया वह आपके सामने है यानी मैं इस बिल के सवाल को काउ क्वेश्चन

[पंडित ठाकुर दास भार्गव]

(cow question) समझता हूं। गर्जे मुख्तलिफ़ बातें मुख्तलिफ़ वक़्त में कही गई। लेकिन मैं अदब से अर्ज़ करना चाहता हूं कि मैं इस सवाल को इस नुक्ते निगाह से देखता हूं कि जिस नुक्ते ख्याल से हिन्दुस्तान का एक आजिज रहने वाला देखना चाहता है। हमारे सामने यह प्रैस बिल था, और इस प्रैस बिल को मैं सिर्फ़ एक ही नुक्ते ख्याल से देखता हूं कि दर अस्ल इस में लिबर्टी आफ़ दी सिटिज़न (liberty of the citizen) को कहां तक क़ायम रखा गया है। जब उस नुक्ते ख्याल से इसे देखता हूं तो मुझे अफ़सोस के साथ कहना पड़ता है कि इस से मेरा इतमीनान नहीं हुआ। मैं चाहता हूं कि प्रैस हिन्दुस्तान में मज़बूत हो, आज़ाद हो और सही तरह से यहां फले फूले। मैं जानता हूं कि प्रैस के लोगों ने हिन्दुस्तान की बड़ी खिदमत की है। मैं देशबन्धुजी को जानता हूं। अभी थोड़ा अर्सा हुआ जब हड़ताल प्रैस की उन्होंने बन्द की तो उन पर जितनी गालियां पड़ीं उतनी शायद ही किसी को पड़ेंगी। एक अख़बार में हैडिंग निकली "प्रैस लार्ड्स गैगिंग दि बिल आफ दि प्रैस" (Press Lords gagging the will of the Press) दूसरे अख़बारों में अलाहदा हैडिंग निकलीं। जहां तक मेरा सवाल है मैं इस को एक नुक्ते ख्याल से देखना चाहता हूं और वह यह है कि आया देश की आज़ादी, सिटिजन्स की आज़ादी में इस बिल ने इज़ाफ़ा किया है या नहीं।

इस बिल के अन्दर जो दो तीन फ़ीचर्स (features) हैं वह इतने ख़राब हैं कि जिन को मैं क़बूल नहीं कर सकता। इस की दफ़ा ३ में जो तारीफ़ की गई है उस में राइट आफ़ स्पीच (right of speech) व (right of expression) में इतनी डिस्क्रिपैन्सी (discrepancy) कर दी गई है कि जो नाकाबिल क़बूल है। यह दफ़ा ३ जो बिल की है मैं उम्मीद करता हूं कि जब कभी कोई दूसरी पार्लियामेंट आयेगी वह उसे तब्दील कर देगी क्योंकि यह फ़ंडामेन्टल लाज़ (Fundamental laws) के खिलाफ़ है, यह हमारे कान्स्टिट्यूशन के खिलाफ़ है। इस में फ़ारफ़ीचर का जो क्लाज है नामुमकिन है कि मैं उसे क़बूल कर सकूं। इस बिल की दो तीन बातें ऐसी हैं जिन को मैं क़बूल नहीं कर सकता। हो सकता है कि मेरी प्रेजुडिस (prejudice) उतनी ही हो कि जितनी कि राजाजी ने फ़रमाया कि मैं हर एक चीज़ को गाय का ही सवाल बना लेता हूं। लेकिन मैं कहता हूं कि मैं आज़ादी के सवाल को गाय के सवाल से कम नहीं समझता। बल्कि मेरा नुक्ते ख्याल तो यह है कि इस बिल की हर क्लाज़ को देखा जाय कि इसके अन्दर सिटिज़न की आज़ादी को कोई दर्जा दिया गया है या नहीं। आया इस प्रस्ताव में सिटिज़न की आज़ादी कोई चीज़ है या नहीं। मैं यह अर्ज़ करना चाहता हूं कि इस में कोई शक नहीं कि हम ने सिलेक्ट कमेटी में बहुत से प्वाइन्टस स्कोर (score) किये, और मुझे शक है कि वहां जो सहयोग राजाजी ने दिया उसकी पूरी चर्चा इस हाउस में नहीं हुई।

इसी तरह से हाई कोर्ट की पावर का एन्लार्जमेंट (enlargement) ऐसी चीज़ थी जिसे हाउस ने पूरी तरह से एप्रिशिएट (appreciate) नहीं किया।

सेकेन्ड रीडिंग में जो तब्दीली की गई है वह भी हकीर नहीं है। उस में से कई तब्दीलियां फ़ंडामेन्टल हैं और उस हद तक यह बिल ठीक हुआ है।

मुझे अर्ज करना है कि कई बिल आप के मैंने अब तक देखे जिस में मैं ने राजाजी से जोरों से झगड़ा किया है और उन्होंने उस में ज़रा भी बुरा नहीं माना बल्कि सब को ऐकोमोडेट (accommodate) करने की कोशिश की है। अभी थोड़े दिन हुए हमारा पंजाब सिक्योरिटी ऐक्ट (Punjab Security Act) चल रहा था। उस में ऐसी दकियानूसी बातें थीं जिस का विरोध किया गया। बड़ा भारी क़ानून था, उस की सारी की सारी खराब बातों को राजाजी ने एक क़लम हटा दिया और सारे देश क आयन्दा ऐसे क़ानूनों को एक तरह से बदल दिया। आइंदा जब सेफ़टी ऐक्ट बनेंगे तो उम्मीद है कि उस में भी राजाजी की मानी हुई तब्दीलियां मानी जावेंगी। इस वास्ते मुझे खुशी है कि राजाजी का रवैया इस बिल के मुताल्लिक निहायत तसल्लीबख्श था और इस क़िस्म का रहा है जो रिअलिस्टिक (realistic) है। हालांकि इस में शक नहीं कि मेरे ख्याल में वह पूरी तरह से ठीक नहीं है क्योंकि सन् १९३१ का ऐक्ट जिस की बिना पर यह बिल बनाया गया है वह उस वक़्त बना था जिस समय यहां फ़ंडामेन्टल राइट नहीं थे। और सन् १९३१ के ऐक्ट में ऐसी प्राविजन्स (provisions) थीं जो कि फ़ंडामेन्टल राइट्स के खिलाफ़ थीं और उन को इस बिल के अन्दर रख दिया गया। मुझे अफ़सोस है कि वही प्राविजन्स इस में नज़र आती हैं हालांकि एक फ़ायदा जो मैं देखता हूं उसे राजाजी ने इम्प्रूव कर दिया है। इस के अन्दर मैं यह फ़ायदा देखता हूं कि सन् १९३१ के ऐक्ट को इस बिल ने खत्म कर दिया। और अगर आज नहीं तो दो बरस के बाद सन् १९३१ का जो बिल था दुनियां के अन्दर उस का निशान नहीं बाक़ी रह जायेगा। मुझे उम्मीद है कि प्रैस से सम्बन्ध रखने वाले मेम्बर भी, जो कि इस में शक नहीं कि चिन्ता में पड़ गये हैं इस प्रैस बिल से, दो बरस के बाद यह देखेंगे कि हमारी सारी आज़ादी हम को रिस्टोर (restore) हो जायेगी और हमारे फ़ंडामेन्टल राइट महफ़ूज रहेंगे। और इस बिल का अगर पहले नहीं तो उस वक़्त खातमा हो जावेगा। और जैसा राजाजी ने फ़रमाया था मुझे यह बिल अजीब मालूम होता है। जिस चीज़ का हमारे राजाजी आज अन्दाज़ा लगा सकते हैं वह हमारी समझ में नहीं आती है। मुझे यक़ीन है कि जिस दृष्टिकोण से राजाजी ने इस बिल को रखा है उस को हम ने उस तरह से ऐप्रीशिएट नहीं किया। राजाजी ने कहा था कि इस बिल की ज़रूरत नहीं है। यह तो एक स्केयर क्रो (scare crow) है। वह तो यह चाहते थे कि आरमरी (armoury) में एक वैपन (weapon) बना रहे कि जिस के ज़रिये से एक ऐसी ताक़त बने जो कि सारे प्रैस को कंट्रोल कर सके और प्रैस को असली फ़ाऊंडेशन पर रख सके। यह राजाजी का स्वप्न है। मुझे खुशी है कि उन का यह स्वप्न पूरा हो रहा है। यह तजुर्बा अभी सिर्फ़ दो साल के लिए रखा गया है। क्योंकि हम लोग उतनी दूर नहीं देख सकते जितनी दूर कि राजाजी देख सकते हैं, इसलिये मैं यह नहीं कहता कि वह कामयाब नहीं होगा। मैं समझता हूं कि हमारे लीडरों की अक़्ल हम से ज्यादा है

[पंडित ठाकुर दास भार्गव]

वरना वह हमारे लीडर ही कैसे हो सकते। इसलिये मैं यह उम्मीद करता हूं कि इस एक्सपैरीमेंट को करने के लिए दो बरस काफ़ी होंगे और इस अरसे में हम देख सकेंगे कि वह तजुर्बा कामयाब होता है या नहीं। अगर वह कामयाब हो गया तो फिर इस बिल की ज़रूरत नहीं रहेगी और अगर यह नाकामयाब भी हो गया तो मैं अर्ज़ करूंगा कि हम सन् १९३१ के ऐक्ट के मातहत नहीं रहेंगे और अपने प्रैस के राइट्स और फ़ंडामेन्टल राइट्स को हासिल कर लेंगे।

मैं फिर जनाब बाला का शुक्रिया अदा करता हूं कि आप ने मुझे मौक़ा दिया। अव्वल तो मुझे यह अर्ज़ करना चाहिये कि इस सारे बिल के अन्दर मेरा रवैया ऐसा रहा था कि जिस से क़ुदरतन जनाब भी नाख़ुश हो सकते थे और राजाजी भी नाख़ुश हो सकते थे लेकिन मुझे ख़ुशी है कि दोनों साहबान ने मुझे निहायत मेहरबानी कर के इंडलजेंस (indulgence) दिया। मैं कांग्रेस का सेक्रेटरी भी हूं और कांग्रेसमैन (Congressman) भी हूं। अगर मैं इस तरह से पबलिक के राइट्स के लिए न लड़ता तो मैं इन दोनों में से एक भी कहलाने लायक़ नहीं होता। मैंने यही सबक़ सीखा है अपने बुजुर्गों से और राजाजी से। मैं समझता हूं कि अगर हम कांग्रेस में रहते हुए भी अगर यहां आ कर आज़ादी से अपने ख़्यालात न पेश कर सकें और अपने लीडरों से झगड़ा न कर सकें तो न हम कांग्रेस में रहने के मुस्तहक़ हैं और न उस के सेक्रेटरी बनने के मुस्तहक़ हैं। मुझे इस की ख़ुशी है कि जितनी मुझ से हो सकती थी उतनी मैं ने इस बिल को दुरुस्त करने में इमदाद की है।

(English translation of the above speech)

Pandit Thakur Das Bhargava: I am very grateful to you for the opportunity given to me to express my opinion. At this moment I cannot do without conveying my views to Shri Rajaji. I offer him congratulations. In fact he has earned a great victory. I again offer warm congratulations to him. This was a great triumph for him to get this Bill passed in this House in this way.

Shri Kamath: Also it is a triumph of the House.

Pandit Thakur Das Bhargava: I am respectfully to state that we will never forget the lesson we have learnt after sitting for long at the feet of Rajaji. I recollect the day when Britishers Sir Charles Innes and his colleagues, were here in his place and our Congress leaders used to upbraid them. I was at a loss to find that our invectives had no effect upon them. Sir Charles Innes used to listen to us very sedately, sitting like a statue. We thought that when we would be free it would not be possible for our leaders to tolerate people offering abusive comments. But I am glad to find the same spirit in our Parliament and Cabinet and I see all the qualities of an I.C.S. personified in Shri Rajaji. We commented against him very critically, expressed very strong opinions, but his coolness, his tolerance and his kindness have further increased the faith we cherished in him. Today who in India does not know that Rajaji has been one of the great pilots of our struggle for independence. Notwithstanding that I am not much younger to him in age, he has always commanded my respect. Ever since he was among 'No changers', I have been reading his articles and have been a student of his writings. I am to submit that I found him to be a man of principles and that he has set an example before us. I am not mentioning these facts to flatter Shri Rajaji as I am not in the habit of flattery, but in fact I have great faith in him and I wanted to refer to it here as he was our leader from the very start and we always looked at him for guidance. And this is not a strange thing. We have always believed Rajaji to possess a great wit, a 'withering wit' as it is called. We have listened to his speeches here which will ever find a high place in parliamentary records. We have witnessed an eloquence of a very high order in his concluding speech. We are used to witness all sorts of eloquence. But the thing I have liked most in Rajaji

is that he cares neither for flattery nor for anger. He does what he thinks right and cares only for it. We will never forget the concluding lesson which he has put before us only today.

An Hon. Member: All our Ministers are of such calibre.

Pandit Thakur Das Bhargava: We have not got one Minister. There are several Ministers sitting before us for whom I have great regard. But what should I do with this regard? There are times when this regard is marred by a conflict. I may refer to Shri Gopalaswami Ayyangar and to his speech from which I have given a quotation and which has made me a sworn enemy of forfeiture. But today I am unable to describe the influence this speech of Rajaji has exercised over me. As far as this Bill is concerned, as far as its evil features are concerned, I find this Bill got a very good ending in this House. As far as I am personally concerned, I am fully satisfied with this Press Bill. The various suggestions put by me before the House regarding this Press Bill, have induced my friends to doubt whether I was not briefed by Shri Deshbandhu or Shri Goenka. The remark offered by Shri Rajaji about me was that I regarded this Bill like the cow-question. So different comments have been made at different times, but I am to submit respectfully that I see this Bill from the point of view of a humble citizen of India. This Press Bill was before us and I was simply to see how far the liberty of citizens was maintained in it. I regret to say that I do not find myself satisfied, when I see it from this point of view. I like the Indian Press to be strong, independent and prosperous in the proper way. I know, the Press has done a great service to the country. I know Shri Deshbandhu and the number of abuses, probably never heard by anyone, he had to hear sometimes back when he called off the Press strike. There was a heading in a newspaper: "Press lords gagging the will of the Press". There were different headings in other papers. As far as I am concerned I see this Bill only from the point of view whether it is meant to add something to the freedom of country and of the citizens.

There are a few bad features in this Bill which I cannot accept. In the explanation given in clause 3 of it, there is a great discrepancy in the 'right of speech' and the 'right of expression', and this is quite unacceptable. As soon as the new Parliament comes in, I hope, it will amend the clause 3 of this Bill as it is against the Fundamental Rights and our Constitution as well. It is impossible for me to accept the clause on forfeiture. There are two or three features of this Bill that are quite unacceptable to me. It is possible that I may be prejudiced to the extent referred to by Shri Rajaji that I make everything a cow-question. But I am to state that I do never regard the question of freedom less important than the question of cow. But in my opinion, each and every clause of this Bill should be examined to see whether the freedom of citizens has found a place in it and whether the freedom of citizens was at all considered to be anything in this proposal. I submit that there is no doubt that we scored off many a points in the Select Committee, and I am afraid that the cooperation extended by Shri Rajaji there has not fully been referred to in this House.

Similarly, the enlargement of the power of High Courts was a thing not fully appreciated by the House. The amendments made in the second reading are also not ordinary. There were also certain fundamental amendments and the Bill has improved to that extent.

I am to state that there had been many a bill where I had to oppose Shri Rajaji, but he has not felt it and has tried to accommodate all. A few days back we were considering Punjab Security Act. Its few conservative aspects were opposed. It was a big Bill. Rajaji agreed to drop all the undesirable portions of the Bill *en bloc* and as such created a convention for whole of the country regarding a change in the spirit of all such future Bills. I hope, whenever there will be enactments of Safety Acts, the changes agreed by Shri Rajaji will be incorporated. Therefore I am glad to say that the attitude of Shri Rajaji regarding this Bill was quite satisfactory and so to say realistic. Though I have no doubt that in my opinion it is far from being absolutely correct, as the Act of 1931 on which this Bill has been based, was enacted at a time when there were no Fundamental Rights, and there were certain provisions in the Act of 1931, which were against Fundamental Rights and those have been incorporated here.

I am sorry to find those provisions retained here in this Bill. However there is one gain through this Bill, that it cancels the Act of 1931, and if not today after say two years, there will be no sign left of the Act

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of 1931. I think, the Members deeply related with Press, who are undoubtedly worried about this Press Bill, will find after two years that not only all our freedom is restored but also the Fundamental Rights are safe and then, if not before, there will be an end to this Bill.

As stated by Rajaji, this Bill appears to be strange to me. The thing formulated by him may be beyond our understanding. I am sure, we have not been able to appreciate the point of view with which he has brought this Bill. He has stated that there was no necessity of this Bill. It was merely a scare-crow. He was contemplating to keep such a weapon in the armoury, through which a power to control the whole of the Press and to bring it on a real foundation may be retained. This is his dream and I am glad he is accomplishing it. At present this experiment is proposed for two years. As we are not so much far-sighted as Shri Rajaji, I cannot say that it will not prove to be a success. I think our leaders have greater wisdom than that we have otherwise it was impossible for them to become our leaders. So, I hope the period of two years will be sufficient for this experiment and during this period we may see whether it succeeds or not. If it succeeds, there will be no necessity of this Bill and if not, I may submit that at least we will not be under the Act of 1931 and as such secure our freedom of Press and Fundamental Rights.

I am once more grateful to you, Sir, for the kind opportunity extended to me. In the first instance I am to submit that throughout this Bill my attitude was such as would have annoyed you and also Shri Rajaji, but I am glad to find that both of you have very kindly given me indulgence. I am Secretary of the Congress and a Congressman. If I do not fight in this way for public-rights, I cannot be able to be called either of them. I have learnt this lesson from my elders and Shri Rajaji. I think after remaining in the Congress if we cannot express our views freely here and cannot quarrel with our leaders, we are entitled neither to stay in Congress nor to become its Secretaries. I am glad that I could be able to help towards improvement of this Bill to the extent it was possible for me.

Shri Jajoo (Madhya Bharat): Sir, the question may now be put.

Several Hon. Members *rose*—

Mr. Deputy-Speaker: I am not accepting closure now.

Dr. Deshmukh: Like my hon. friend Mr. Sidhva, this is the first time I am speaking on this Bill. The Bill as originally introduced was not only not acceptable to me but I considered it as a Bill which deserved very radical modification. I am very glad that the Home Minister has taken almost everybody's breath away by accepting an amendment limiting the period of enforcement of the Bill to two years. This amendment has changed the attitude of many Members. It was therefore disappointing to see Shri Deshbandhu Gupta arguing that he is not prepared to welcome the Bill wholeheartedly and he raised some objections which had been raised more than once before.

I agree that there are four or five unwelcome features in the Bill. He mentioned four of them: (1) vicarious responsibility for punishment; (2) unlimited amount of security that can be demanded; (3) forfeiture; (4) the unsatisfactory explanation about clause 3. To this, I would add that there should have been a clause by which a warning should be given before demanding security. All these five features are unwelcome. But even then the Bill should be acceptable because the future will depend upon how the Government and Press behave. Instead of describing this as an emergency measure as Shri Gupta did, I would call it an experimental measure. We have to see how the Press behaves on the one hand, and how on the other the rigours of this enactment are not unnecessarily enforced on the freedom of speech. From this point of view, I was unable to understand Shri Gupta's objection that there should be no separate law for the Press. He advanced very unacceptable arguments. He said that the Press does not enjoy any special privileges. On what grounds does he demand these privileges—philosophical or ethical? I do not know what special privileges he demands before which any control of the Press is unwelcome to him? I cannot conceive of any privileges which if given to him will entitle this House to pass a law which would enable Government to control the Press. We penalise all people. We penalise all wrong doers. How can anybody say that before we penalise him there should be some privileges granted to him. I am unable to see any force in that argument.

Secondly, I do not think it is true that no other country in the world has got such legislation. I am also

not prepared to accept the argument that Parliament should not have the power to enact controls over the Press. My friend went to the extent of saying that he disputed the right of Parliament. Probably he was thinking of the Fundamental Rights. He thought and he still thinks that Parliament has no right to pass such a Bill. I am afraid I am unable to accept this argument either. He quoted Sir Tej Bahadur Sapru. After all, Sir Tej and the Home Minister are lawyer politicians and it is not correct to scrutinise the speeches and statements they make from time to time by the word. I think it will be possible to find quite a different kind of advice given by the same person on other occasions. I do not think a literal meaning should be attached to their words.

In spite of the fact that the Bill has some unwelcome features, it deserves to be tried and given every possible chance of either succeeding or not succeeding.

Shri Kamath: Do you not accept it wholeheartedly?

Dr. Deshmukh: I am prepared, after the amendment that has been made, to accept it almost wholeheartedly because I feel that no evil consequences will arise. I would advise my hon. friends of the Press that they should cease all opposition to the Bill and behave better than they have done—some of them at least—and give the Bill a chance to be administered well by Government.

There is also another suggestion made by the Home Minister, which appears not to have been liked by the Hindu. I think this suggestion deserves more careful and sympathetic consideration. If possible, the Press should establish some sort of a Journalistic Council which will have statutory authority to deal with anyone who trespasses the provisions of this Act and also dole out adequate punishment to him. If that is done, the purpose of this Bill would have been served and its provisions may not be necessary any longer.

My friend Pandit Bhargava was still arguing that the provision about forfeiture is constitutionally incorrect. He said it is opposed to Fundamental Rights. I for one have never been in favour of untrammelled Fundamental Rights. Whenever Parliament thinks necessary, some restrictions ought to be imposed and since this Bill has been made a temporary measure, it is for us to find out whether the situation in the country requires such provisions or not. If the situation requires it, it may even become a permanent feature. Otherwise, if the Journalistic Council is established and it functions properly and adequately, then the need for this enactment would be over.

I wholeheartedly support this Bill.

Several Hon. Members: Closure.

Prof. K. K. Bhattacharya: I only want five minutes. I have already been on my feet. I have actually begun my speech, although it is drowned in this noise. It will be unfair to stop me now.

Mr. Deputy-Speaker: Let him go on.

Prof. K. K. Bhattacharya: I must congratulate the Home Minister upon the able presentation of the case. I marvel at the way in which he has presented the case as a good case. When I was a young man I had been told that a wise lawyer could make black appear as white and white appear as black. Today I have found really that the Home Minister, with his great patience and astuteness, and shall I say the brilliance of advocacy, has presented a case which in my opinion has still some unhappy features about it. I would have liked it if the Home Minister had told the House that this law would come into operation after the elections are over. In that case the people would have been satisfied that there was no intention on the part of Government to put any limitation on the freedom of expression or stifle legitimate criticism. As regards the points made by Shri Deshbandhu Gupta on demand of unlimited security, I fully endorse his views. Thirdly, the hon. the Home Minister has taken away intention out of the purview of this Bill (*Interruptions*). As you know, Sir, I am in the minority and I seek the protection of the Chair.

As regards clauses 10 and 11 there is no doubt that these clauses would put serious restrictions upon the production of books and also import of books from foreign countries. As an academician, I feel it my duty to bring it to the notice of the hon. Minister that no impediments should be put on the import of books. Clause 11 says that a customs official or head of the Customs Department shall have the power of seizing books containing objectionable matter. This is a serious matter. Already on account of foreign exchange difficulties people are

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not able to get books from abroad. So, no further impediments should be placed on their import.

I would have wished the hon. Minister had placed before the House the emergency for introducing this Bill. If there was an emergency, as a law-abiding citizen of India I would have been the first man to support this measure. I would therefore now request him to bring the measure into force, at least after the General Elections, in which case about 90 per cent. of the objections against it would disappear.

It should, in this connection, be borne in mind that I am not one of those who advocate licence. Freedom is not synonimous with licence. Therefore, the Press must certainly be regulated, but the Press must be regulated within the organisation itself. If, for example Mr. Deshbandhu Gupta had failed to control the Press, then it would have been for Rajaji to bring forward this Bill. But that is not the case. With these observations, I would in the end request Rajaji at least to postpone for some time the operation of this measure.

Shri Satya Narayan Sinha: Sir, the question may now be put.

Mr. Deputy-Speaker: I shall call upon Pandit Kunzru and then apply closure.

Pandit Kunzru: When the debate on this Bill began, some of us drew the attention of Government to the fact that adequate material had not been placed before us in justification of the measure. My hon. friend the Home Minister, while speaking on the general discussion on the report of the Select Committee dealt with that point. He pointed out that the A.I.N.E.C. had itself admitted that a small section of the Press had been guilty of undesirable conduct. He gave three illustrations of the sort of writings to which he had taken serious exception.

Nobody here will approve of the extracts that he quoted. But it was really only one of them that could be called scandalous. The object of this Bill is not only to deal with scandalous, but with indecent, scurrilous and obscene matter. The provisions of clause 3 of the Bill deal with many other things and my hon. friend did not give one single instance to show the need for the other parts of clause 3. As regards a small section of the Press that had not been amenable to the influence of the A.I.N.E.C., I ask my hon. friend whether there is any country in which there is not a section of the Press that attacks officials or imputes motives to them or uses language that cannot be regarded as decent. In every country there are some papers like that, even in England and America. But this has not compelled those countries to pass a measure of the kind that is now before us.

The Home Minister tried to strengthen his case by referring to the convention on human rights agreed ed to by the Committee of Ministers which is one of the constituent bodies of the Council of Europe. The object of that convention was not to restrict human rights, but to enlarge their bounds. Not everywhere are the same human rights accorded to the people as in some of the more advanced western countries. Secondly, the Committee of Ministers proposed a draft with the object of inducing such countries as had not adopted the standards prevalent in the more advanced western countries to do so. As regards the restrictions to which my hon. friend referred, these restrictions are of a general kind and England might have accepted them, but the English Cabinet has not asked Parliament to pass a special measure of the kind that is now before us.

Shri Deshbandhu Gupta: I may inform my hon. friend that the British Parliament has not accepted and ratified it.

Pandit Kunzru: That has nothing to do with whether the British Parliament has accepted it and ratified it. The principle enunciated there will be accepted in any country. The question whether it should be enforced by means of special laws like the Press (Objectionable Matter) Bill, that is the only question before us, and my hon. friend, the Home Minister, is yet to show that in any of the countries whose Ministers constitute the Council of Europe any special law has been passed to deal with the Press.

My hon. friend, Shri Deshbandhu Gupta, has dealt with the reference made by the Home Minister to President Truman's supposed desire to impose pre-censorship on the Press. May I inform the Home Minister in all humility that even if President Truman wished to impose pre-censorship, he cannot do so. The Supreme Court of the United States has held that it is unconstitutional to impose censorship on newspapers.

The Bill before us has been amended in certain respects. I have not the time to deal fully with the amend-

ments that have been made, nor is it necessary for me to do so. Several hon. Members have referred to them before but on the whole I agree with my hon. friend. Shri Deshbandhu Gupta in regard to the features that he referred to as undesirable. The Bill even in its present form is not palatable to me, but the fact that the Bill will remain in force for two years only has made me consider whether I should vote against the Bill as I would have done had this provision not been agreed to. I hope that the limitation of the life of the Bill means that the Government regard it as an emergency measure and that after the enquiry that they contemplate, they will be able to devise some better way of dealing with the undesirable section of the Press. I also hope that public opinion will be strong enough in the next two years to prevent Government from keeping such a Bill longer on the statute book. In view of this, I have decided not to cast my vote against the Bill.

Shri Rajagopalachari: I do not want to take more time than I ought to but I am afraid I have to cover some important grounds even at this late hour, because apart from the very affectionate and sweet manner in which many hon. Members expressed their satisfaction with my conduct in piloting this Bill, some friends have again reiterated their objections and their sense of dissatisfaction in pretty forcible language on this third reading of the Bill, and I ought not, I think, to leave it appear as if I could not meet them or had nothing to say about them but simply relied upon the hospitality of the House towards the Bill by way of majority.

Two things I will dispose of first. It has been pressed for two different reasons that this Bill should await the conclusion of the elections. One reason is that it would be better for the party that the Government represents not to put in a measure which would range the Press against it during the elections. I submit that this does not appeal to me; not only does it not appeal to me but it jarred on my sense of propriety. I think that if the Bill is right, it should come into force now and we must take the consequences of it when we go to the country. If the Bill is not right, it will be wrong to pass it. Therefore, that reason not only does not appeal to me but it tends to lead me in the other direction, the opposite direction. It has been urged in a skilful manner that this Bill should await the termination of the elections, because it may interfere with the freedom of elections. It is my duty to say as emphatically as I can that this Bill is not going to interfere with the freedom of elections, and no action on the part of the Government is going to interfere with the freedom with which the elections should be gone through. On the contrary, I say that the enactment of this Bill in the teeth of opposition of the Press lords is in itself proof to show that we depend on the votes of the people apart from fear or favour. We want the people's votes to be freely given. If they desire their votes to be given to us, let them do so. If they desire their votes to be given to others, let them be given. This is not going to be used against anybody in opposition to the Congress. Let it also be realised that the Press which objects is not the Press of our opposition. The Press that objects is our own Press, if I may use that term. Therefore, there is nothing whatsoever in the horizon against the freedom of elections in this Bill. Some Members referred to the fact that I will not be here to be in charge of the right application of the Bill. Your Prime Minister is there, and you may rest assured that no injustice will be allowed to be committed in the name of this Bill in favour or in fear of anybody. I therefore think that this obsession about the elections should be completely driven away from the minds of my hon. friends in Parliament. I do not want to lower our own standards in respect of elections. Let there be no fear about it. It is only then that anybody will win, whether he is on one side or the other. In connection with any legislative measure that you may take up at any time—this is my request to hon. Members—let no consideration be paid to the elections, whatever may be the Bill that you consider at any time in the course of the history of Parliament. Pass a measure if it is good, throw it away if it is not good; amend it if it should be amended, but do not be bothered about the elections.

I must answer Pandit Kunzru's special points. He wants me again and again to prove facts, to show him the facts, so to say, that make it necessary to enact any measure of this kind. I showed to him—but he is not satisfied with it—a complete confession in certain respects of the All-India Newspaper Editors' Conference. He says that they deal only with scurrilous matter and not with such serious things as murder, communal hatred and things like that. In the course of the amendments—I do not know whether hon. Members and Pandit Kunzru observed it—in the course of the passage of the various

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amendments, some hon. friend wanted to weaken the position in the clause with reference to incitement to commit murder, sabotage and things involving violence. Mr. Shiva Rao, who is no less a champion of the freedom of the Press than Pandit Kunzru—and Mr. Shiva Rao is also a colleague, if I may say so, of Pandit Kunzru—strongly objected to any weakening in clause 3. Why did he do it? Because he knows the facts in the country. He referred to a thing that happened recently—I do not wish to go into details—he said that some time after the assassination of Mahatma Gandhi the All-India Newspaper Editors' Conference passed a resolution that certain newspapers should be closed down. Why did they do it? Was that very long ago? Is that not enough to show that there is necessity for a provision of this kind? I submit that the reiterated arguments of Pandit Kunzru that there is no evidence before us to enact a Bill of this kind is a weak argument. There is no doubt in my own mind and there is no doubt in the minds of most hon. Members of this Parliament that things are not as sweet and nice as Pandit Kunzru seems to imagine. There is need for the provision.

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That takes me at once to other points. He says the Council of Europe to which I had made reference had only decided the general terms of the restrictions. But I read the general terms of the restrictions: Word for word they were the same as they were in our Constitution Amendment and they are there in detail in our Bill now—everyone of the restrictions referred to, so to say, the items 1 to 6 in clause 3. What else can there be in a general convention other than general restrictions. He asks me to show a precedent in England where they have accepted the terms of a law such as we have in this Bill. Is it possible? I go further. I do not wish to argue that point. I say we have a right to enact our own measures. Why should we in every matter want a precedent from abroad, for every particular statute. We want precedents only for general principles because we should be guided by the experience of the world but in regard to particular Acts of Parliament we must give up. I claim, this demand for precedents from other countries for every measure that we take up. Do they take our precedents in any matter? Why should we ask for their precedents in matters of this kind? We should go by the general experience of the world and therefore it is that the restrictions that were referred to in so very clear terms, although it was not a statute and there was no statutory language. It was only a convention or an agreement of 13 Governments. They could only refer to the general principles and that should be enough for us and we ought not to ask for precedents. If I produce a Sales Tax Bill, he will ask me to produce a precedent. He will ask me whether there is sales tax in Australia, Pennsylvania or Germany. I will not be in a position to produce it. If I introduce a Zamindari Abolition Bill, he will ask me whether there is precedent for that in England, Germany or France. No. We have our country, we have our own affairs, we have our own experience and we shall have to carry on and face them and we should have no shame to confess our difficulties and should have no fear in meeting those difficulties at all. If we want general principles, I am prepared to go to the ends of the earth for taking them but not for precedents for the actual terms of the laws we have to pass.

That takes me to the point as to what is the thing that we have enacted. It is the last time I am speaking on this subject. Let us see what it is that we have enacted. I will not take up much time because we have not enacted much. We have enacted only a few simple things:

(1) That no newspaper shall contain and publish matters which will incite or encourage men to overthrow or undermine Government; and that too, through violence or sabotage.

(2) That no newspaper shall contain matters which will incite or encourage any person to commit murder, sabotage or any offence involving violence.

(3) That no matter should be published which incites or encourages a person to interfere with the supply and distribution of food or other essential commodities or services.

(4) That no matter should be published which tends to seduce any member of any of the armed forces of the Union or of the police forces.

(5) That no matter should be published which would promote feelings of enmity or hatred between different sections of the people of India.

(6) That no matter should be published which contains matters which are grossly indecent or are scurrilous or obscene or are intended for blackmail.

We have done nothing else in this Bill. These are the things we have done and in order to get this effectively enacted, in order to get this effectuated, we have provided provisions. There is nothing wonderful that we have done, nothing wrong and noth-

ing of which I should be ashamed, I must say, in getting this Bill through, and I do not want any precedents from England or Germany or California in order to enact what I have read just now.

I generally do not wish to praise myself. For the first time I have been the instrument—the humble instrument—for introducing a measure by a concatenation of circumstances; it repeals all previous Press laws in respect of such matters and which were valid up till date—we have repealed all of them. Secondly, I have given a judicial trial and made the Government a common complainant in every case where any of these items have been contravened. When any of these items that I read are claimed to have been contravened, I have given the executive the right to go and lodge a complaint before a judicial court and I have said that that judicial court shall try with judicial procedure and give judgment on all matters involved, the law as well as on the penalty and in every respect the court is its own master and I have said that threafter an appeal is open to the highest court of the land if the party is not content with the decisions given by the court. Is this wrong? I have done this for the first time. Hon. Members, some of the senior Members here, have seen through many years of previous Governments and they have seen through many Press laws. They have tried hard to get these righted and they have not succeeded till now. They have left this entirely in the hands of the executive. For the first time in this Bill I have given full judicial trial, in the language of the paper from which I read on a previous occasion, but suiting it for the present purpose. I have given permission to Government to go to court and complain after publication of an objectionable matter—they cannot go before publication—I have given Government the power to go to a court after publication of the objectionable matter and to leave the case in the sole jurisdiction of the court and that is what has been done here and therefore I think that I can really be proud of what I have done. The Press laws of this country had one fatal weakness. People were talking of removing the poisonous teeth from snakes and serpents. I have removed the one poisonous fang that was in the serpent. Nobody can complain about the six items that I have read out, if we have provided penalties and severe penalties for these things, it is because a matter which incites crime is more dangerous than the crime itself, because a crime is a single crime but matters which incite crime have a knack of multiplication of crimes. The abettor is always the more seriously guilty person even in ordinary cases. It is not the actual instrument—you do not punish the knife, you punish the man who used it. You punish the rich man who induces a mercenary to kill someone for his sake. Incitement by printed matter is a more dangerous thing because it is operating everyday. The paper is printed every morning and evening and is circulated among thousands and thousands of people. If I provide full judicial trial for such incitement mentioned in these six items, is there anything wrong? Till now there was not that trial available. That was the poison and no man can complain if the severest laws are enacted provided I have a right to be tried as to whether I have committed the offence. When I have the right to have a full trial as to whether any offence has been committed, there cannot be any complaint. I say then at this late stage that for the first time in the history of the Press laws of India, a full judicial trial is given from start to finish and Government is put in the position of a common complainant and no more.

Then, I come to more fundamental matters. The fundamental claim of the Press Association is that there should be no separate law with regard to the Press, that the ordinary punishment which you give after trial to an individual for a crime should be the only punishment to be given to the Press also and that there should be no separate law about them. Now, this cannot be a claim which I can admit. I do not think that it is right from any point of view. We can go by slogans blindly, but we must now and then examine the slogan. We must not always fly above the earth level. We must come down sometimes to the earth and see where we stand. I want the House to consider this. Can we go on treating everything alike?

I have more than once referred before to the parallel case of conveyances. For conveyances like the bullock cart we need no laws. But after the introduction of the motor car and things like that, fast conveyances, we require stringent laws for them. Though the dictionary might use the word 'conveyance' both for the bullock cart and the aeroplane, it is not the same thing and the laws must be different. The registration, the numbering, the lights, the speed, everything is different. The whole situation is altered. Therefore, it is absurd to make that claim, and whatever Ameri-

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can faddists might say about the matter, whatever the American Press might say about the matter, I say without any doubt in my mind that the laws regarding the Press must be on their own feet. They are a class apart. We will have to deal with the Press even as we have to deal with the cinema or any modern development with powerful influence. We cannot treat the atom bomb, as the Prime Minister has said very often, as we could treat a knife or a lathi. Different laws are required for the entirely different quality of the weapon and the instrument and the material with which we have to deal. Therefore, I do not accept that fundamental objection of the Press Association.

But the Press Association has no other objection. They have raised many objections. They have been met by amendments and the like. They have been met by answers. But these answers do not satisfy them. I have been reading every one of the leading articles that have been appearing in all the papers—and there have been quite plenty of them appearing day in and day out—arguments round and round, very skilfully and forcefully written. My friends know how to write. They are well practised in it. But they come back to one single argument, the fundamental objection that there should be no separate treatment of the Press as apart from the ordinary individual, which I fear I cannot accept and I do not think that it can be accepted at all. I do not think even the world will accept it. America may today talk about it in that way, but they will soon come to it, I have no doubt in my mind. They cannot treat the Press in the same manner as they treat any other citizen's right. They will have to provide for it. They may not be ready for it now.

I have often heard the talk about the volume of opinion. I know the volume of opinion is very large. Why? Because it is the voice of opinion itself that is touched here. I am dealing with the Press, and is there anything surprising that the Press has a large trumpet voice with which to protest its protest? Certainly the voice is very large. But let there be no delusion in our minds. It is not the volume that should deceive us. It is a question of whether it is right or wrong. Do you think that we could have passed in Parliament or in any State Legislature the Zamindari Law if we had to get the consent of the zamindars or if we had to ask the Zamindari Association to give their consent and sign an agreement before we produced the law? Do you think I could have got passed the Sales Tax Bill when all the merchants in Madras had closed down their shops when I introduced it? If we had to depend upon the permission of the Merchants' Association could we have introduced the sales tax? Or could I have introduced prohibition if the liquor licence holders' association had to agree to it? Certainly not. No interest—whether it is of one kind or another—no interest combined in a strong organisation will give its consent to you before you deal with them. Good or bad, they will not agree. They will go to fundamental points. If only I had tried to introduce prohibition for the first time now, I would not have got it through. Even the Supreme Court would have been asked to tell me "You cannot interfere with the right of a citizen to drink or to manufacture and sell drinks". It is therefore not possible to get the consent of every organised interest or profession before we make laws for the good of society as a whole. We have to consider here the interest of society as a whole.

Here my mind goes back to what Gandhiji said when he went to a function of a certain important newspaper office. This was very long ago. He said then: The Press has two functions. You have to voice public opinion and reflect public opinion. That is one. You have to educate public opinion. That is another. You have to lead—you have not simply to be a mirror for reflecting public opinion. You have to be a teacher of the public and educate them. What is the Press doing now in that regard? No doubt they are voicing public opinion, getting information and spreading it, giving their opinions in leading columns and spreading it. But do they really educate? That is the question. They educate in certain matters. But I do claim that for the moral uplift of the country the Press has much more to do. That is the main function of the Press.

Here I say let us in India show that we can set an example to the rest of the world. Let us not ask for precedents from other countries. It is time we forgot other countries in this matter. Let us go alone. Let us be friends with other countries, but let us also try to teach other countries in something. Let us teach them that in this country, in the new age, so to say, the Press has started a different function, it has started to make people better.

The Press is a great organisation, I know. The education is run by whom? By the schoolmasters in a certain way because they deal with children. But the real adult education on which we have to depend so much is what pours day in and day out in the most interesting and entertaining columns of the papers. Men read them. The cinemas have overtaken the Press. They are educating the people in a different way. They are no doubt entertaining people very well. But the education part of it is very poor and very bad. Let the Press do this. Let them give interesting information—let them give good, nice pictures, news, everything. But at the same time the Press ought to keep before it the duty of educating men in the moral and spiritual plane. And if that is done by our Press do you mean to say that this Press Bill can hurt them? Why is it that this Press Bill is opposed? Because we are neglecting the duty that I am referring to. If the Press is interested in the duty that I am referring to, this Bill would have been a scrap of paper for them and perhaps they would have welcomed it in certain matters, just as a schoolmaster would welcome a thin cane even though he may not use it in the school.

There is a mission which we have to fulfil. Let us tell the world that the freedom of the Press is a good slogan but the duty of the Press in educating the people is a bigger slogan. It is not only freedom of the Press that we want. We have got freedom for ourselves. But is that enough? Do we not now strive to make a welfare State? In the same manner let the Press have its freedom, but its duty is to educate people—and certainly not to incite people to crime. This is the negative aspect of that education that is embodied in this Bill.

I hope the House will accept the Bill.

Shri Kamath: May I only ask, now that this Bill is about to be passed into law, will Government also announce the appointment of a Press Commission?

Shri Rajagopalachari: That is a matter for Government, and they are actively considering it.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MOTIONS *RE* DELIMITATION OF CONSTITUENCIES ORDERS

Mr. Deputy-Speaker: Before the House disperses I have to say that I have received notice of a motion in regard to the delimitation of constituencies, at 10-58 P.M. today. If there are any other motions I have no objection to receive them. This will be the last day to move them. I will allow this motion to be made.

COUNCIL CONSTITUENCIES (UTTAR PRADESH) ORDER

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): I beg to move:

That the following modifications be made in the Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951 laid on the Table on the 20th September, 1951, namely:—

(1) That in the Table under the heading "Local Authorities' Constituencies" against the entry "Uttar Pradesh, North East (Local Authorities)" in column 1, for the word "Shahjahanpur" occurring in column 2, the word "Budaun" be substituted.

(2) That in the Table under the heading "Local Authorities' Constituencies" against the entry "Uttar Pradesh Central (Local Authorities)" in column 1, for the word "Budaun" occurring in column 2, the word "Shahjahanpur" be substituted.

Mr. Deputy-Speaker: All the motions *re* delimitation of constituencies that have been moved today are now before the House. They will be discussed on the 11th.

The House then adjourned till Nine of the Clock on Thursday, the 11th October, 1951.